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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 12, 2010.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

Reverend Dr. Timothy Goble, Grace Evangelical Free Church, Colville, Washington, offered the following prayer:

Most gracious Lord God, we are continually encouraged as we sense Your guardianship as You powerfully determine the destiny of this Republic. We acknowledge that the future of all of our political institutions are staked upon the capacity of each of us here to govern, control, and to sustain ourselves in accordance with the Word of God.

Today, we acknowledge our departure from Your Word and ask for Your forgiveness. May Your Word once again become the guiding light for our homes, our schools, our courtrooms, and workplaces. Lay upon the hearts of all those who serve in this great historical room the need to establish a personal relationship with You that will grow them into servant leaders, who make their constituents the beneficiary of every decision from Your divine perspective. May they walk humbly with each other, acknowledging their mutual duty of loving forbearance. All this we ask in the name of Jesus. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. TIMOTHY GOBLE

The SPEAKER pro tempore. Without objection, the gentlewoman from Washington (Mrs. McMORRIS RODGERS) is recognized for 1 minute.

There was no objection.

Mrs. McMORRIS RODGERS. Mr. Speaker, it is my great honor and pleasure to welcome Pastor Tim Goble, who gave the opening prayer to Congress this morning. He's the Pastor of Grace Evangelical Free Church in Colville, Washington, where he and his family have been faithfully serving our Lord in ministry to the people of that area for the past 23 years. He's been my pastor. Over the years, I've become friends with his wife, Jane, and their three sons, Nathan, Stephen, and Daniel.

His first job after seminary was serving as a youth pastor in northern Indiana from 1976 to 1986. He then moved across the country to Washington State in 1987, to become pastor of a new church plant of 35 people. Since then, the church has grown steadily, making a tremendous difference in the

lives of all who have walked through its doors, including me and my family.

I admire Pastor Tim and his family and appreciate their leadership, service, commitment to our community, and their example to all of us. Thank you for coming to the United States Congress to lead us in prayer today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

MOVE TO RENEWABLE ENERGY

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, I rise today to say: It will not be the U.S. taxpayer who is stuck with the bill for the tragic oil spill that is still spewing hundreds of thousands of barrels of oil into the Gulf of Mexico. British Petroleum had \$6 billion in profit last quarter alone. That's profit, not earnings. And that's the first place we should be looking to pay for this oil spill. We all know how much money Halliburton socked away, thanks to the last administration. Their deep pockets also need to be tapped to pay for their negligence.

For years, we've heard from the oil industry that offshore drilling is safer than ever, cleaner than ever. Not true. Meanwhile, oil companies like BP spent years making billions while gouging consumers. We in the House are going to make sure that they pay for cleaning up this unprecedented catastrophe. It's time to truly move beyond petroleum into renewable energy and energy efficiency.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H3313

WARNING TO TEXAS STATE LEGISLATORS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Texas Department of Public Safety has issued a stern safety warning to members of the Texas legislature living near the southern border: Remove your car license plates that say "State official" on them. Texas legislators were warned to remove their identifying car license plates because of threats from Mexican drug cartels. Based on intelligence estimates from information they have received, law enforcement cautioned that the drug cartels may target members of the Texas legislature for assaults and kidnappings, especially those living on the border region. Some of the members and their staffs have removed those "State official" license plates and some are seeking concealed carry permits. There have been earlier reports of Mexican officials being assaulted and kidnapped by the cartels in Mexico. Now the threats have crossed to our side of the porous border region.

Now it seems to me the National Guard is probably better suited to deal with the violent narco-terrorists than a bunch of legislative staffers with concealed weapons—even in Texas.

And that's just the way it is.

ESOP PROMOTION AND EXPANSION ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. This week, representatives from employee-owned S corporations from around America will be on Capitol Hill, giving a chance for Members and staff to hear directly from these employee owners how their investment and hard work facilitated by this unique ownership helps create jobs and helps their employee owners prepare for retirement; how they expanded jobs here in America, even in this difficult environment.

In 2008, for instance, ESOP increased employment 2 percent, while our economy overall shed almost 3 percent of the jobs. Employee-owned business wages increased at twice the national average. Each company is a unique American success story. That's why I hope you will join me in cosponsoring H.R. 3586, the ESOP Promotion and Expansion Act, to protect and enhance employee-owned corporations.

CONGRATULATING ALLEN AMERICANS HOCKEY TEAM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Today, I'd like to congratulate the players and coaches of the Allen Americans Hockey

Team for capturing the Southern Conference championship title. This is the first time a first-season team has accomplished this. After a stellar inaugural, winning season, the minor league hockey team earned a slot in the playoffs. They won two playoff series against Laredo and Odessa. Their final postseason game against the Rapid City Rush ended in a double overtime battle. It's no surprise they sent four players up to the American Hockey League.

The Allen Americans play at the Allen Event Center, and folks should be proud to have such an accomplished, dedicated team representing their community. I've seen them—and they're good. I had the privilege of cheering on the Americans last season and I look forward to attending more games in the future.

I wish the team and its players all the best. Congratulations. God bless you. I salute you. As the fans like to cheer: Dread the Red!

ECONOMY TRENDING IN THE RIGHT DIRECTION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, this is a chart prepared by the Joint Economic Committee, which I call the V chart—not for victory, or total victory, but it certainly shows success and that we're trending in the right direction in our economy. The red bars on the chart represent the job losses under the prior administration. The last month of the Bush administration, this country lost over 770,000 jobs. The blue bars represent the record of the Obama administration as we recover from the depths of an inherited economic disaster.

There is still much left to do as we recover from the great recession. Millions of Americans still suffer. But if we wish to avoid repeating history, we should first remember and understand it. The policies of the past drove our economy down. The policies of this Congress have begun to lift it up. You can see it here very clearly in a V and in red, white, and blue.

OPTING OUT OF ANOTHER GOVERNMENT MANDATE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last week, Governor Bobby Jindal announced that Louisiana, along with 16 other States, would not participate in the government takeover of health care's temporary high risk pools. I commend Governor Jindal on this decision and for having the foresight not to put Louisiana on the hook for yet another tax-increasing, job-killing, unfunded mandate, and subjecting our citizens to more Federal inefficiency and bureaucracy.

While I have always supported the concept of high risk pools, this effort

will thrust the burden onto the backs of Louisiana taxpayers, eventually saddling them with another federally mandated program they can ill afford. Louisianans have made it clear that they are sick and tired of carrying the water for an ever-expanding Federal Government. I commend our Governor for doing the right thing for our State and our country.

END KARZAI'S WAR IN AFGHANISTAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Afghan President Karzai is in Washington this week seeking another \$33 billion to keep the war going, meeting with the White House to present his so-called "peace proposal" to allocate \$160 million from international donors to fund new government bodies, pay off insurgents who agree to stop fighting, and to undermine efforts to establish local governance.

Ranked the second most corrupt government in the world, only behind Somalia, Mr. Karzai's blatant government corruption, his ties to Big Oil, and his ties to Afghanistan's most notorious drug pushers, including his own brother, is no secret. While he's being treated as royalty in Washington, millions of dollars shuffle through Kabul Airport, unaccounted for, as Mr. Karzai builds villas in Dubai. Meanwhile, I have constituents in Cleveland who are struggling to stay in their homes.

The longer this charade of nation building and counterinsurgency strategy in Afghanistan continues, the more U.S. soldiers and innocent Afghan civilians die. He wants \$33 billion for war to continue in Afghanistan. Here at home, Americans need jobs and access to education and health care. Billions would be better spent rebuilding America than sending it to Afghanistan to continue a war.

Bring our troops home. End the war.

NETWORKS SHOW BIAS ON ARIZONA IMMIGRATION LAW

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, television network news stories about Arizona immigration enforcement law have been overwhelmingly negative, according to a new analysis by the Media Research Center. From April 23 to May 3, negative news reports on ABC, CBS, and NBC outnumbered positive reports by a margin of 12 to 1. This kind of extreme bias is a danger to democracy. And nowhere is it more evident than in reporting about immigration.

Only 10 percent of network reports acknowledged that a majority of Americans support the Arizona law and that

9 out of 10 say it is important to reduce illegal immigration. The networks should give Americans the facts about immigration, not just give them one side of the story.

□ 1015

BUTLER COUNTY UNITED WAY AND LABOR COMMUNITY SERVICE

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise to express my gratitude to the United Way of Butler County, Pennsylvania, and their partners in the labor community for their annual service program Butler County Labor Month of Caring. The Butler County United Labor Council and the Butler County Building and Construction Trades are working with the United Way to help make homes safer in Butler. Safety equipment like smoke alarms and carbon monoxide detectors save lives. Yet many homes, particularly those of senior citizens, don't have these devices installed and working. Every Saturday throughout the month of May in Butler County, volunteer workers will install smoke and carbon monoxide detectors in homes whose residents cannot do so themselves due to age, health, or income limitations.

On behalf of the United States House of Representatives, I thank the Butler County labor community and United Way for their generosity in giving the gift of safety.

VALUE-ADDED TAX

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, consumer spending is critical to creating new jobs, and the last thing we want to do during a recovery is discourage it. Unfortunately, we are hearing whispers and rumblings that the President's debt commission could recommend a new value-added tax before the end of the year, a VAT tax. Close advisers to the President such as Paul Volcker and John Podesta have publicly supported this tax which is already widely used in Europe.

The problem is that European taxes mean European unemployment and European levels of job growth. From 1982 to 2007, the U.S. created 45 million new jobs, compared to only 10 million in Europe. VAT taxes raised the price of goods, directly reducing consumer purchasing power, and this means fewer jobs.

I think we need to make it clear to the debt commission that a VAT tax is no solution to our fiscal problems. The real solution is to restrain Federal Government spending that has far outstripped its traditional boundaries. I'm circulating a letter for signatures to

the commission opposing the VAT tax, and I hope all my colleagues will stand with me against the VAT tax.

WORKING TOGETHER TO REBUILD THIS COUNTRY

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, this past weekend, I met with people in Appleton, Shawano and Green Bay, Wisconsin, listening to their concerns. And what did they ask me to do? They asked me to cut their taxes and to help small business owners grow the jobs that we need to work our way back into prosperity.

Well, you may not have seen it on television or heard it on the radio, but President Obama and the Democrats here in Congress have already delivered the biggest tax cuts in American history. In USA Today 2 days ago, it said: "Tax Bills in 2009 at Lowest Level Since 1950." But don't stop there. Let's take the word of President Reagan's domestic economic adviser Mr. Bartlett: "Federal taxes are very considerably lower by every measure since Obama became President. According to the JCT, last year's \$787 billion stimulus bill, enacted with no Republican support, reduced Federal taxes by almost \$100 billion in 2009 and another \$222 billion this year."

But we all know that helping small business must be a top priority as well. And that's why we passed the bipartisan HIRE Act which will generate jobs. That's why we worked together with Republicans and Democrats to pass the HOME STAR Act. We're working together to rebuild this country.

PASS THE SHORT LINE RAILROAD TAX CREDIT

(Mr. SCHOCK asked and was given permission to address the House for 1 minute.)

Mr. SCHOCK. Mr. Speaker, I rise today in support of the extension of the Short Line Railroad tax credits that have recently expired. Because this credit has not been extended for 2010, the Illinois & Midland and Tazewell & Peoria Railroads in my district have not been able to perform much-needed maintenance to their infrastructure. These companies depend on the extension of this credit to keep their track laborers working and to continue to invest in their track which is necessary to serve local businesses in my district. Companies like Caterpillar, Exelon, Midwest Generation, Reed Minerals, Aventine Renewable Energy, and many others may lose their connection to the national freight rail network.

The problems facing these companies in my district are not unique to the rail industry. The uncertainty of all of these expiring credits leave businesses in a state of flux, unwilling to make the necessary investments and long-term planning to expand their busi-

nesses and put people back to work. Over 250 Members of this body have already signed legislation which extends this credit. I urge the Speaker to call this bill and to pass the Short Line Railroad tax credit today.

WALL STREET REFORM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today in support of Wall Street reform and ask, Which side are you on? In my opinion, the debate on Wall Street reform is straightforward. There are those who support hardworking American families and small businesses against those who wish to protect the status quo and big Wall Street banks which are to blame for the current recession.

For example, last year this House passed the Wall Street Reform and Consumer Protection Act. None—that's right, zero—of my colleagues on the other side of the aisle supported that bill. The other side can no longer ignore American families who have worked hard and played by the rules, only to see their homes foreclosed on, their retirement savings lost, their business destroyed, or their jobs wiped out.

We need commonsense reforms and stronger consumer protections to ensure that a crisis on this order of magnitude never happens again. It is time we streamlined government and put a cop on the beat of Wall Street to protect American families and businesses. Absent this cop, Wall Street will regulate itself as it did under the previous administration. The American economy cannot afford to live through real-life tragedy again and neither can her families.

REAUTHORIZE THE AMERICA COMPETES ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the reauthorization of the America COMPETES Act. Fifty years ago in Dallas, Texas, at Texas Instruments, Dr. Jack Kilby invented the microchip. This ground-breaking technology is arguably the catalyst of the information age and the entire field of modern microelectronics. At that time, this technology was unimaginable. If not for Dr. Kilby, it is feasible that sophisticated high-speed computers, large-scale semiconductors may cease to exist.

The example Dr. Kilby set proves it is the American people that will create the next technological feat. In order to become energy independent, create new jobs and exports, and develop the next great technology, we must invest robustly in scientific education and innovation. This is the goal of America

COMPETES, and I am pleased the provisions in this bill are for all Americans. I, along with my supportive colleagues, want to thank the House leadership for bringing this important legislation to the floor.

RETURNING STABILITY TO THE DAIRY INDUSTRY

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, today I will introduce legislation to help put our dairy legislation on track and prevent future dairy crashes like the one we're now in. The Daily Price Stabilization Act is not just about trying to elevate dairy prices. It's about returning stability to the dairy industry. I was raised on a dairy farm, and we know that dairy boom and bust cycles have always existed. But in the past decade, booms have gotten shorter and the busts longer and more severe. These highs and lows have forced many dairies to shut down. In the last 2 years, we've lost over \$12 billion of equity in the industry; and, sadly, some dairymen have taken their own lives.

This unsustainable cycle must stop. Dairies can no longer survive on milk checks that are lower than their cost of production. Our bill gives dairymen the option to grow as they see fit, provides incentives to better align supply and demand. Mr. Speaker, we must take swift action now to protect our local dairy farmers across the Nation. I encourage my colleagues to join in this effort.

THE ECONOMY

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, over the last several months, I have visited factory floors in Burlington, Meriden, and Waterbury, Connecticut, and the news is good. Orders are returning; revenue is up; access to capital is coming back. And we have seen it in the national numbers. Last week, the Department of Labor reported that 290,000 jobs were added in April, a larger-than-expected increase. And last year, thanks to the tax cuts that this House passed, consumer spending has started to increase, jumping up by 3.5 percent in the last report.

But we have to do more in Connecticut. Our economic recovery won't be complete until manufacturing completely rebounds, and that won't happen until this Congress decides to start spending U.S. taxpayer dollars here on U.S. jobs. Our economy is coming back, but its recovery will not be full until we make a commitment to buy American.

WE'RE BAILING OUT GREECE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Our country is weary of borrowing and spending and bailouts from Washington, D.C. So the American people deserve to know we're bailing out Greece, and future Americans may be picking up the tab for as much as \$50 billion in additional loan guarantees for the rest of Europe in the form of a bailout.

Here's how it works: the European Union's members and the IMF recently pledged \$145 billion in a Greek bailout; \$40 billion of that came from the International Monetary Fund. Since the United States pays 17 percent—we're the largest contributor to the IMF—American taxpayers are on the hook for \$6.8 billion in loan guarantees from the IMF, and it may just be a down payment. The EU this last weekend talked about a \$1 trillion bailout plan that could put U.S. taxpayers on the hook for \$50 billion in additional loan guarantees to bail out Europe.

Look, the EU was formed to compete with the US of A economically, and it is simply not right to ask the people of the United States of America to provide loan guarantees to bail out an economic competitor in Europe. Nobody wants to see the EU fail, but we're not asking for their help in New Jersey or California. They shouldn't be asking our help for Portugal, Spain, or Greece.

DEPLOY THE NATIONAL GUARD TO THE U.S.-MEXICAN BORDER

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Mr. Speaker, I rise today to urge President Barack Obama to improve security on our southern border by immediately deploying the National Guard. On March 27, Rob Krentz, whose family has been ranching along the U.S.-Mexico border for over 100 years, was tragically murdered, murdered on his own land. Three days later, I wrote to the President and asked him to send back the National Guard to protect our citizens who live and work along the border. I renewed that request 2 weeks ago and again last week.

Deployment of the National Guard is an essential first step in reassuring border residents of our commitment to their safety and security. The people that I represent do not believe that the Federal Government has heard their pleas, and they grow worse and worse every single day. Much has been done to improve border security, but our border is not yet secure, contrary to whatever people say.

Drug cartel violence increasingly threatens the lives of our citizens; and on behalf of the thousands of Americans who live in the troubled sections

of the U.S.-Mexico border but particularly in southern Arizona, I ask again that the President immediately deploy the National Guard. The first responsibility of the government is to ensure the safety of its citizens, and we must take action.

THE AMERICA COMPETES ACT IS GOOD FOR OUR ECONOMIC FUTURE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, earlier this year, I was proud to cofound the Congressional Task Force on American Competitiveness. The reason we did that is while this Democratic Congress makes the kind of short-term required investments to keep our economy stable and to grow it from the depths of a recession that we have just emerged from, we still need to keep our eyes on the prize, and that is growing an economy, investing in an economy that will provide vibrant job growth opportunities for our children and grandchildren.

This is why the task force strongly supports the reauthorization of the America COMPETES Act, a piece of legislation that will expand our growing commitment to science and technological education, to innovative research and also to utilizing our manufacturing base to grow the economies of the future. Yes, the America COMPETES Act will make the kind of long-term investment that will create the economy that will sustain our society for years to come and create the kind of futuristic jobs that we can all be proud of.

I urge all of my colleagues to support the America COMPETES Act which will sustain this economy in the future.

DOUBLING THE BUDGETS OF OUR BASIC RESEARCH AGENCIES

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, we learned last week that April was the fourth consecutive month of job growth in the United States. The tax cuts and investments made by the Recovery Act are turning the economy around. Funding for scientific research and infrastructure in that act has put to work scientists and construction workers and others.

But after years of underinvestment in research, this part of the Recovery Act, \$22 billion, was merely a down payment on our future economic competitiveness. The America COMPETES Reauthorization Act in the House this week will build on these successes, among other things, by authorizing funding levels to continue to double the budgets of our basic research agencies. These investments will pay big dividends as recoveries and innovations lead to new industries, like Google and

Cisco and Genentech, that will keep our Nation competitive. If we intend to lead the global economy, we cannot afford to neglect innovation and the infrastructure that produces that innovation and that has produced these economic powerhouses.

As a member of the Congressional Task Force on Competitiveness, I urge my colleagues to support this important legislation.

□ 1030

WALL STREET REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I join millions of Americans to demand that finally Congress get to the business of reforming Wall Street. Let's get a bill to the President and let's let him sign something that benefits Main Street.

Eighteen months ago, I joined working families across the country in anger and frustration over lax regulation that led to unfettered greed, ultimately forcing Main Street to bear the burden of a Wall Street bailout. In the wake of these unprecedented, though necessary, actions, the American people demanded tough new regulations in exchange. Our party has introduced legislation to put an end to taxpayer-funded bailouts of Wall Street firms that bend the rules and avoid regulation.

But as I stand here today, these firms are nothing more than common thugs working with their allies on the other side of the aisle to continue their risky investing. So we have to send a clear message that we will stand up for working people and reform the industry that almost brought us to the brink of economic collapse.

Mr. Speaker, our colleagues in Congress face a choice: either stand up for working people and our values or protect the greed and risk of Wall Street. For me, the choice is really clear. It is time to put Wall Street back in line with Main Street.

TRIBUTE TO REV. JESSE SCOTT

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to pay tribute to Rev. Jesse Scott, a fine hero and a lifelong civil rights leader who passed away on Monday.

A native of Louisiana, Reverend Scott moved to Las Vegas in 1970 to become president of the local NAACP chapter. In that role, and later as executive director of the Nevada Equal Rights Commission, Reverend Scott was a loved and respected leader whose commitment to justice was unparalleled. Reverend Scott once said, "God placed me in the position to help oth-

ers as I have been helped by others." And by all accounts, that is exactly what he did.

His legacy will live on in the lives of all those he touched in his fight for equality, in his work at the Second Baptist Church, and in the acts of many public servants, including myself, whom he inspired and mentored. My thoughts and prayers are with Reverend Scott's family and friends during this sad time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SATELLITE TELEVISION EXTENSION AND LOCALISM ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3333) to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Satellite Television Extension and Localism Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATUTORY LICENSES

Sec. 101. Reference.

Sec. 102. Modifications to statutory license for satellite carriers.

Sec. 103. Modifications to statutory license for satellite carriers in local markets.

Sec. 104. Modifications to cable system secondary transmission rights under section 111.

Sec. 105. Certain waivers granted to providers of local-into-local service for all DMAs.

Sec. 106. Copyright Office fees.

Sec. 107. Termination of license.

Sec. 108. Construction.

TITLE II—COMMUNICATIONS PROVISIONS

Sec. 201. Reference.

Sec. 202. Extension of authority.

Sec. 203. Significantly viewed stations.

Sec. 204. Digital television transition conforming amendments.

Sec. 205. Application pending completion of rulemakings.

Sec. 206. Process for issuing qualified carrier certification.

Sec. 207. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.

Sec. 208. Savings clause regarding definitions.

Sec. 209. State public affairs broadcasts.

TITLE III—REPORTS AND SAVINGS PROVISION

Sec. 301. Definition.

Sec. 302. Report on market based alternatives to statutory licensing.

Sec. 303. Report on communications implications of statutory licensing modifications.

Sec. 304. Report on in-state broadcast programming.

Sec. 305. Local network channel broadcast reports.

Sec. 306. Savings provision regarding use of negotiated licenses.

Sec. 307. Effective date; Noninfringement of copyright.

TITLE IV—SEVERABILITY

Sec. 401. Severability.

TITLE V—DETERMINATION OF BUDGETARY EFFECTS

Sec. 501. Determination of Budgetary Effects.

TITLE I—STATUTORY LICENSES

SEC. 101. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 102. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking "**superstations and network stations for private home viewing**" and inserting "**distant television programming by satellite**".

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

"119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite."

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

"(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

"(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;"

(B) in subparagraph (B)—

(i) by striking "subsection (a)(14)" and inserting "subsection (a)(13)"; and

(ii) by striking "Satellite Home Viewer Extension and Reauthorization Act of 2004" and inserting "Satellite Television Extension and Localism Act of 2010"; and

(C) in subparagraph (D), by striking "(a)(12)" and inserting "(a)(11)".

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

"(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

“(A) October 1, 2010, for multicast streams that exist on March 31, 2010; and

“(B) January 1, 2011, for all other multicast streams.”.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: “(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—”;

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and”;

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

“(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.”;

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting “(including the filing fee specified in paragraph (1)(C))” after “shall receive all fees”; and

(B) by striking “paragraph (4)” and inserting “paragraph (5)”;

(6) in paragraph (4), as redesignated—

(A) by striking “paragraph (2)” and inserting “paragraph (3)”;

(B) by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”;

(7) in paragraph (5), as redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking “ANALOG”;

(B) in subparagraph (A)—

(i) by striking “primary analog transmissions” and inserting “primary transmissions”; and

(ii) by striking “July 1, 2004” and inserting “July 1, 2009”;

(C) in subparagraph (B)—

(i) by striking “January 2, 2005, the Librarian of Congress” and inserting “June 1, 2010, the Copyright Royalty Judges”; and

(ii) by striking “primary analog transmission” and inserting “primary transmissions”;

(D) in subparagraph (C), by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”;

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking “(i) Voluntary agreements” and inserting the following:

“(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements”; and

(II) by striking “that a parties” and inserting “that are parties”; and

(ii) in clause (ii)—

(I) by striking “(ii)(I) Within” and inserting the following:

“(ii) PROCEDURE FOR ADOPTION OF FEES.—

“(I) PUBLICATION OF NOTICE.—Within”;

(II) in subclause (I), by striking “an arbitration proceeding pursuant to subparagraph (E)” and inserting “a proceeding under subparagraph (F)”;

(III) in subclause (II), by striking “(II) Upon receiving a request under subclause (I), the Librarian of Congress” and inserting the following:

“(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges”; and

(IV) in subclause (III)—

(aa) by striking “(III) The Librarian” and inserting the following:

“(III) ADOPTION OF FEES.—The Copyright Royalty Judges”;

(bb) by striking “an arbitration proceeding” and inserting “the proceeding under subparagraph (F)”;

(cc) by striking “the arbitration proceeding” and inserting “that proceeding”;

(F) in subparagraph (E)—

(i) by striking “Copyright Office” and inserting “Copyright Royalty Judges”; and

(ii) by striking “May 31, 2010” and inserting “December 31, 2014”; and

(G) in subparagraph (F)—

(i) in the heading, by striking “COMPULSORY ARBITRATION” and inserting “COPYRIGHT ROYALTY JUDGES PROCEEDING”;

(ii) in clause (i)—

(I) in the heading, by striking “PROCEEDINGS” and inserting “THE PROCEEDING”;

(II) in the matter preceding subclause (I)—

(aa) by striking “May 1, 2005, the Librarian of Congress” and inserting “September 1, 2010, the Copyright Royalty Judges”;

(bb) by striking “arbitration proceedings” and inserting “a proceeding”;

(cc) by striking “fee to be paid” and inserting “fees to be paid”;

(dd) by striking “primary analog transmission” and inserting “the primary transmissions”; and

(ee) by striking “distributors” and inserting “distributors”;

(III) in subclause (II)—

(aa) by striking “Librarian of Congress” and inserting “Copyright Royalty Judges”; and

(bb) by striking “arbitration”; and

(IV) by amending the last sentence to read as follows: “Such proceeding shall be conducted under chapter 8.”;

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

“(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

(iv) by amending clause (iii) to read as follows:

“(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.”; and

(v) in clause (iv)—

(I) in the heading, by striking “FEE” and inserting “FEES”; and

(II) by striking “fee referred to in (iii)” and inserting “fees referred to in clause (iii)”.

(2) Paragraph (2) is amended to read as follows:

“(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.”.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

“(8) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(14) MULTICAST STREAM.—The term ‘multicast stream’ means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.”.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

“(15) PRIMARY STREAM.—The term ‘primary stream’ means—

“(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

“(B) if there is no stream described in subparagraph (A), then either—

“(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

“(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.”.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking “which” each place it appears and inserting “that”.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking “superstation” each place it appears in a heading and each place it appears in text and inserting “non-network station”; and

(2) by striking “superstations” each place it appears in a heading and each place it appears in text and inserting “non-network stations”.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)” and inserting “subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)”;

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

“(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

“(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.”; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking “under paragraph (3) or”;

(II) by striking “paragraph (12)” and inserting “paragraph (11)”;

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

“(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005).”.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET

AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking “analog” each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

“(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(C) FUTURE APPLICABILITY.—

“(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

“(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the ‘distant signal’) on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber’s household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.”;

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking “(C) or (D)” and inserting “(B) or (C)”;

(E) in subparagraph (F) (as redesignated), by inserting “9-digit” before “zip code”.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking “\$5” and inserting “\$250”;

(B) in subparagraph (B)—

(i) in clause (i), by striking “\$250,000 for each 6-month period” and inserting “\$2,500,000 for each 3-month period”; and

(ii) in clause (ii), by striking “\$250,000” and inserting “\$2,500,000”; and

(C) by adding at the end the following flush sentences:

“The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.”.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking “and 509”.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking “In this clause” and inserting “In this clause.”.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking “May 31, 2010” and inserting “December 31, 2014”.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking “of the Code of Federal Regulations” each place it appears and inserting “, Code of Federal Regulations”; and

(2) in subsection (d)(6), by striking “or the Direct” and inserting “, or the Direct”.

SEC. 103. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking “by satellite carriers within local markets” and inserting “of local television programming by satellite”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

“122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.”.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

“(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market shall be subject to statutory licensing under this section if—

“(A) the secondary transmission is made by a satellite carrier to the public;

“(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(i) each subscriber receiving the secondary transmission; or

“(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(2) SIGNIFICANTLY VIEWED STATIONS.—

“(A) IN GENERAL.—A secondary transmission of a performance or display of a

work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

“(B) **WAIVER.**—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

“(3) **SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

“(B) **NO APPLICABILITY TO REPEATERS AND TRANSLATORS.**—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(C) **NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.**—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

“(4) **SPECIAL EXCEPTIONS.**—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

“(A) **STATES WITH SINGLE FULL-POWER NETWORK STATION.**—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary trans-

mission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

“(B) **STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.**—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

“(C) **ADDITIONAL STATIONS.**—In the case of that State in which are located 4 counties that—

“(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

“(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

“(D) **CERTAIN ADDITIONAL STATIONS.**—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

“(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

“(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

“(E) **NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.**—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

“(5) **APPLICABILITY OF ROYALTY RATES AND PROCEDURES.**—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.”

(C) **REPORTING REQUIREMENTS.**—Section 122(b) is amended—

(1) in paragraph (1), by striking “station a list” and all that follows through the end and inserting the following: “station—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

“(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).”; and

(2) in paragraph (2), by striking “network a list” and all that follows through the end and inserting the following: “network—

“(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

“(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.”

(d) **NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.**—Section 122(c) is amended—

(1) in the heading, by inserting “FOR CERTAIN SECONDARY TRANSMISSIONS” after “REQUIRED”; and

(2) by striking “subsection (a)” and inserting “paragraphs (1), (2), and (3) of subsection (a).”

(e) **VIOLATIONS FOR TERRITORIAL RESTRICTIONS.**—

(1) **MODIFICATION TO STATUTORY DAMAGES.**—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking “\$5” and inserting “\$250”; and

(B) in paragraph (2), by striking “\$250,000” each place it appears and inserting “\$2,500,000”.

(2) **CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.**—Section 122 is amended—

(A) in subsection (f), by striking “section 119 or” each place it appears and inserting the following: “section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to”; and

(B) in subsection (g), by striking “section 119 or” and inserting the following: “section 119, paragraph (2)(A), (3), or (4) of subsection (a), or”.

(f) **DEFINITIONS.**—Section 122(j) is amended—

(1) in paragraph (1), by striking “which contracts” and inserting “that contracts”; and

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting “NON-NETWORK STATION;” after “NETWORK STATION;” and

(C) by inserting “non-network station,” after “network station;”

(4) by inserting after paragraph (2) the following:

“(3) **LOW POWER TELEVISION STATION.**—The term ‘low power television station’ means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term ‘low power television station’ includes a low power television station that has been accorded primary status as a Class A television licensee

under section 73.6001(a) of title 47, Code of Federal Regulations.”;

(5) by inserting after paragraph (4) (as redesignated) the following:

“(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term ‘noncommercial educational broadcast station’ means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

“(6) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.”.

SEC. 104. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: “**of broadcast programming by cable**”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

“111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking “; or” and inserting “or section 122.”.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: “STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary”; and

(ii) by striking “by regulation—” and inserting “by regulation the following.”;

(B) in subparagraph (A)—

(i) by striking “a statement of account” and inserting “A statement of account”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

“(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

“(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

“(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

“(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

“(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

“(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

“(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

“(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

“(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

“(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

“(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

“(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are \$263,800 or less—

“(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which \$263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than \$10,400; and

“(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

“(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than \$263,800 but less than \$527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

“(i) 0.5 percent of any gross receipts up to \$263,800, regardless of the number of distant signal equivalents, if any; and

“(ii) 1 percent of any gross receipts in excess of \$263,800, but less than \$527,600, regardless of the number of distant signal equivalents, if any.

“(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).”;

(2) in paragraph (2), in the first sentence—

(A) by striking “The Register of Copyrights” and inserting the following “HANDLING OF FEES.—The Register of Copyrights”; and

(B) by inserting “(including the filing fee specified in paragraph (1)(G))” after “shall receive all fees”;

(3) in paragraph (3)—

(A) by striking “The royalty fees” and inserting the following: “DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees”;

(B) in subparagraph (A)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking “; and” and inserting a period;

(C) in subparagraph (B)—

(i) by striking “any such” and inserting “Any such”; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking “any such” and inserting “Any such”;

(4) in paragraph (4), by striking “The royalty fees” and inserting the following: “PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees”; and

(5) by adding at the end the following new paragraphs:

“(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘3.75 percent rate’ and the ‘syndicated exclusivity surcharge’, respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

“(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection for accounting periods beginning on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

“(A) establish procedures for the designation of a qualified independent auditor—

“(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

“(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

“(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

“(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

“(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

“(iii) provide an opportunity to remedy any disputed facts or conclusions;

“(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

“(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

“(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to

have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.”.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(1) PRIMARY TRANSMISSION.—A ‘primary transmission’ is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.”;

(2) in the second undesignated paragraph—

(A) by striking “A ‘secondary transmission’” and inserting the following:

“(2) SECONDARY TRANSMISSION.—A ‘secondary transmission’”; and

(B) by striking “‘cable system’” and inserting “‘cable system’”;

(3) in the third undesignated paragraph—

(A) by striking “A ‘cable system’” and inserting the following:

“(3) CABLE SYSTEM.—A ‘cable system’”; and

(B) by striking “Territory, Trust Territory, or Possession” and inserting “territory, trust territory, or possession of the United States”;

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking “The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist” and inserting the following:

“(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted”;

(B) by striking “76.59 of title 47 of the Code of Federal Regulations” and inserting the following: “76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations”;

(C) by striking “as defined by the rules and regulations of the Federal Communications Commission,”;

(5) by amending the fifth undesignated paragraph to read as follows:

“(5) DISTANT SIGNAL EQUIVALENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a ‘distant signal equivalent’—

“(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

“(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

“(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

“(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

“(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

“(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

“(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.”;

(6) by striking the sixth undesignated paragraph and inserting the following:

“(6) NETWORK STATION.—

“(A) TREATMENT OF PRIMARY STREAM.—The term ‘network station’ shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream’s typical broadcast day.

“(B) TREATMENT OF MULTICAST STREAMS.—The term ‘network station’ shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

“(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

“(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.”;

(7) by striking the seventh undesignated paragraph and inserting the following:

“(7) INDEPENDENT STATION.—The term ‘independent station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.”;

(8) by striking the eighth undesignated paragraph and inserting the following:

“(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term ‘noncommercial educational station’ shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.”; and

(9) by adding at the end the following:

“(9) PRIMARY STREAM.—A ‘primary stream’ is—

“(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

“(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

“(10) PRIMARY TRANSMITTER.—A ‘primary transmitter’ is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

“(11) MULTICAST STREAM.—A ‘multicast stream’ is a digital stream of programming that is transmitted by a television broadcast station and is not the station’s primary stream.

“(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

“(13) SUBSCRIBER; SUBSCRIBE.—

“(A) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

“(B) SUBSCRIBE.—The term ‘subscribe’ means to elect to become a subscriber.”.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking “2005” each place it appears and inserting “2015”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking “clause” each place it appears and inserting “paragraph”;

(B) in subsection (c)(1), by striking “clauses” and inserting “paragraphs”; and

(C) in subsection (e)(1)(F), by striking “subclause” and inserting “subparagraph”.

(2) CONFORMING AMENDMENT TO HYPERNATE NONNETWORK.—Section 111 is amended by striking “nonnetwork” each place it appears and inserting “non-network”.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by

striking “second paragraph of subsection (f)” and inserting “subsection (f)(2)”.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking “and” at the end;

(B) in paragraph (1)(B), by striking “and” at the end;

(C) in paragraph (1)(C), by striking “and” at the end;

(D) in paragraph (1)(D), by striking “and” at the end; and

(E) in paragraph (2)(A), by striking “and” at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking “, and each of its variant forms,”; and

(B) in subsection (f), by striking “and their variant forms”.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking “three territories” and inserting “five entities”.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms “cable system”, “secondary transmission”, “multicast stream”, and “local service area of a primary transmitter” have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 105. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

“(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

“(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

“(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

“(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(II) shall result in the termination of the waiver issued under subparagraph (A).

“(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

“(I) the degree of control the carrier had over the circumstances that resulted in the failure;

“(II) the quality of the carrier’s efforts to remedy the failure; and

“(III) the severity and duration of any service interruption.

“(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

“(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term ‘short market’ means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

“(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

“(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

“(i) an affidavit that the entity is providing local-into-local service to all DMAs;

“(ii) a motion for a waiver of the injunction;

“(iii) a motion that the court appoint a special master under Rule 53 of the Federal Rules of Civil Procedure;

“(iv) an agreement by the carrier to pay all expenses incurred by the special master under paragraph (4)(B)(ii); and

“(v) a certification issued pursuant to section 342(a) of Communications Act of 1934.

“(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1). Upon motion pursuant to subparagraph (A)(iii), the court shall appoint a special master to conduct the examination and provide a report to the court as provided in paragraph (4)(B).

“(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

“(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

“(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

“(A) CONTINUING OBLIGATIONS.—

“(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(ii) COOPERATION WITH COMPLIANCE EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the special master appointed by the court under paragraph (3)(B) in an examination set forth in subparagraph (B).

“(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

“(i) EXAMINATION AND REPORT.—A special master appointed by the court under paragraph (3)(B) shall conduct an examination of, and file a report on, the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier’s conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on April 30, 2012.

“(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than December 1, 2011, the qualified carrier shall provide the special master with all records that the special master considers to be directly pertinent to the following requirements under this section:

“(I) Proper calculation and payment of royalties under the statutory license under this section.

“(II) Provision of service under this license to eligible subscribers only.

“(iii) SUBMISSION OF REPORT.—The special master shall file the report required by clause (i) not later than July 24, 2012, with the court referred to in paragraph (1) that issued the injunction, and the court shall transmit a copy of the report to the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

“(iv) EVIDENCE OF INFRINGEMENT.—The special master shall include in the report a statement of whether the examination by

the special master indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement.

“(v) **SUBSEQUENT EXAMINATION.**—If the special master’s report includes a statement that its examination indicated the existence of substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the special master shall, not later than 6 months after the report under clause (i) is filed, initiate another examination of the qualified carrier’s compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The special master shall file a report on the results of the examination conducted under this clause with the court referred to in paragraph (1) that issued the injunction, and the court shall transmit a copy to the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv).

“(vi) **COMPLIANCE.**—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

“(vii) **OVERSIGHT.**—During the period of time that the special master is conducting an examination under this subparagraph, the Comptroller General shall monitor the degree to which the entity seeking to be recognized or recognized as a qualified carrier under paragraph (3) is complying with the special master’s examination. The qualified carrier shall make available to the Comptroller General all records and individuals that the Comptroller General considers necessary to meet the Comptroller General’s obligations under this clause. The Comptroller General shall report the results of the monitoring required by this clause to the Committees on the Judiciary and on Energy and Commerce of the House of Representatives and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate at intervals of not less than six months during such period.

“(C) **AFFIRMATION.**—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant’s knowledge, it is in compliance with the requirements for a qualified carrier. The qualified carrier shall attach to its affidavit copies of all reports or orders issued by the court, the special master, and the Comptroller General.

“(D) **COMPLIANCE DETERMINATION.**—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

“(E) **PLEADING REQUIREMENT.**—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

“(F) **BURDEN OF PROOF.**—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a

qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

“(5) **FAILURE TO PROVIDE SERVICE.**—

“(A) **PENALTIES.**—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

“(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

“(ii) impose a fine of not less than \$250,000 and not more than \$5,000,000.

“(B) **EXCEPTION FOR NONWILLFUL VIOLATION.**—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that reflect—

“(i) the degree of control the entity had over the circumstances that resulted in the failure;

“(ii) the quality of the entity’s efforts to remedy the failure and restore service; and

“(iii) the severity and duration of any service interruption.

“(6) **PENALTIES FOR VIOLATIONS OF LICENSE.**—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than \$2,500,000.

“(7) **LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.**—For purposes of this subsection:

“(A) **IN GENERAL.**—An entity provides ‘local-into-local service to all DMAs’ if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

“(B) **HOUSEHOLD COVERAGE.**—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

“(C) **GOOD QUALITY SATELLITE SIGNAL DEFINED.**—The term ‘good quality satellite signal’ has the meaning given such term under section 342(e)(2) of Communications Act of 1934.”

SEC. 106. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

“(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

“(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.”; and

(4) by adding at the end the following new sentence: “Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”

SEC. 107. TERMINATION OF LICENSE.

(a) **TERMINATION.**—Section 119 of title 17, United States Code, as amended by this Act, shall cease to be effective on December 31, 2014.

(b) **CONFORMING AMENDMENT.**—Section 1003(a)(2)(A) of Public Law 111-118 (17 U.S.C. 119 note) is repealed.

SEC. 108. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this title, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

TITLE II—COMMUNICATIONS PROVISIONS

SEC. 201. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 202. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking “May 31, 2010” and inserting “December 31, 2014”; and

(2) in paragraph (3)(C), by striking “June 1, 2010” each place it appears in clauses (ii) and (iii) and inserting “January 1, 2015”.

SEC. 203. SIGNIFICANTLY VIEWED STATIONS.

(a) **IN GENERAL.**—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

“(1) **SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.**—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

“(2) **SERVICE LIMITATIONS.**—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.”

(b) **RULEMAKING REQUIRED.**—Within 270 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 204. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) **SECTION 338.**—Section 338 is amended—

(1) in subsection (a), by striking “(3) EFFECTIVE DATE.—No satellite” and all that follows through “until January 1, 2002.”; and

(2) by amending subsection (g) to read as follows:

“(g) **CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.**—

“(1) **SINGLE RECEPTION ANTENNA.**—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

“(2) **ADDITIONAL RECEPTION ANTENNA.**—If the carrier retransmits the signals of local

television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).”

(b) SECTION 339.—Section 339 is amended—
(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “Such two network stations” and all that follows through “more than two network stations.”; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking “TO ANALOG SIGNALS”;

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking “ANALOG”;

(II) in clause (i)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “October 1, 2004” and inserting “October 1, 2009”;

(III) in the heading for clause (ii), by striking “ANALOG”;

(IV) in clause (ii)—

(aa) by striking “analog” each place it appears; and

(bb) by striking “2004” and inserting “2009”;

(iii) by amending subparagraph (B) to read as follows:

“(B) RULES FOR OTHER SUBSCRIBERS.—

“(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a ‘distant signal’), other than subscribers to whom subparagraph (A) applies, the following shall apply:

“(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

“(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

“(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

“(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

“(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.”;

(iv) in subparagraph (C)—

(I) by striking “analog”;

(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004; and” and inserting the following:

“the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or”;

(III) by amending clause (ii) to read as follows:

“(i) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.”;

(v) in subparagraph (D)—

(I) in the heading, by striking “DIGITAL”;

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

“(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

“(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

“(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

“(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.”;

(V) in clause (ii)—

(aa) by striking “DIGITAL” in the heading;

(bb) by striking “digital” the first two places such term appears;

(cc) by striking “Satellite Home Viewer Extension and Reauthorization Act of 2004” and inserting “Satellite Television Extension and Localism Act of 2010”; and

(dd) by striking “, whether or not such subscriber elects to subscribe to local digital signals”;

(VI) by inserting after clause (ii) the following new clause:

“(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary

transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.”; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking “distant analog signal or” and all that follows through “(B), or (D))” and inserting “distant signal”;

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

“(A) PREDICTIVE MODEL.—Within 270 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98-201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05-182, FCC 05-199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06-94 within 270 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.”;

(B) by amending paragraph (4)(A) to read as follows:

“(A) IN GENERAL.—If a subscriber’s request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test verifying the subscriber’s inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.”;

(C) in paragraph (4)(B), by striking “the signal intensity” and all that follows through “United States Code” and inserting “such requisite signal intensity standard”;

(D) in paragraph (4)(E), by striking “Grade B intensity”.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 205. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 203 and section 204 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms “local market”, “low power television station”, “satellite carrier”, “subscriber”, and “television broadcast station” have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms “network station” and “television network” have the meanings given such terms in section 339(d) of such Act.

SEC. 206. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

“SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

“(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

“(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

“(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

“(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

“(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

“(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

“(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service

was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

“(2) For each designated market area not listed in paragraph (1):

“(A) Identification of each such designated market area and the location of its local receive facility.

“(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

“(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's pre-launch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

“(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

“(c) CERTIFICATION ISSUANCE.—

“(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

“(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

“(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

“(2) GOOD QUALITY SATELLITE SIGNAL.—

“(A) IN GENERAL.—The term “good quality satellite signal” means—

“(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

“(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

“(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

“(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory

treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

“(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

“(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

“(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.”.

SEC. 207. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

“(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

“(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

“(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

“(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.”.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ELIGIBLE SATELLITE CARRIER.—The term ‘eligible satellite carrier’ means any satellite carrier that is not a party to a carriage contract that—

“(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

“(B) is in force and effect within 150 days after the date of enactment of the Satellite

Television Extension and Localism Act of 2010.”;

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

“(6) **QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.**—The term ‘qualified noncommercial educational television station’ means any full-power television broadcast station that—

“(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

“(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.”

SEC. 208. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this title or the amendments made by this title shall be construed to affect—

(1) the meaning of the terms “program related” and “primary video” under the Communications Act of 1934; or

(2) the meaning of the term “multicast” in any regulations issued by the Federal Communications Commission.

SEC. 209. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting “**STATE PUBLIC AFFAIRS,**” after “**EDUCATIONAL,**” in the heading;

(2) by striking paragraph (1) and inserting the following:

“(1) **CHANNEL CAPACITY REQUIRED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

“(B) **REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.**—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.”;

(3) in paragraph (5), by striking “For purposes of the subsection—” and inserting “For purposes of this subsection.”; and

(4) by adding at the end of paragraph (5) the following:

“(C) The term ‘qualified satellite provider’ means any provider of direct broadcast satellite service that—

“(i) provides the retransmission of the State public affairs networks of at least 15 different States;

“(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

“(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

“(D) The term ‘State public affairs network’ means a non-commercial non-broad-

cast network or a noncommercial educational television station—

“(i) whose programming consists of information about State government deliberations and public policy events; and

“(ii) that is operated by—

“(I) a State government or subdivision thereof;

“(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

“(III) a cable system.”

TITLE III—REPORTS AND SAVINGS PROVISION

SEC. 301. DEFINITION.

In this title, the term “appropriate Congressional committees” means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 302. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 18 months after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 303. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) **STUDY.**—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 18 months after the date of the enactment of this Act, the Federal Communications Commission shall submit to the

appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 305. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) **REQUIREMENT.**—

(1) **IN GENERAL.**—On the 270th day after the date of the enactment of this Act, and on each succeeding anniversary of such 270th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) **TERMINATION.**—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) **FCC STUDY; REPORT.**—

(1) **STUDY.**—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 206 of this title) within 270 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) **REPORT.**—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) **DEFINITIONS.**—In this section—

(1) the terms “local market” and “satellite carrier” have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term “television broadcast station” has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 306. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) **IN GENERAL.**—Nothing in this Act, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this Act or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner

or, if within the scope of its authorization, its licensee.

(b) **LIMITATION.**—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 307. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) **EFFECTIVE DATE.**—Unless specifically provided otherwise, this Act, and the amendments made by this Act, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) **NONINFRINGEMENT OF COPYRIGHT.**—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE V—DETERMINATION OF BUDGETARY EFFECTS

SEC. 501. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia (Mr. BOUCHER) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Satellite Television Extension and Localism Act of 2010 reauthorizes the satellite compulsory li-

cense until December 31, 2014, and modernizes the copyright licenses for satellite and cable television.

This has required an amazing amount of negotiation, not only between the members of the two committees involved, but as well among the many major players in this very complicated area of technology. For more than a year, there have been hearings, discussions, fact-finding among the four committees, local broadcasters, copyright owners, satellite companies, and here is what has resulted:

We have been able to resolve the phantom signal problem in the cable case. We have been able to make it possible for all satellite consumers to get their local broadcast programming. And then we have the satellite companies. We have created a way for them to use the license where there is a multicast.

And so we join with a wide variety of dedicated leaders in the House so that local broadcasters can send several streams of programming over one digital system.

And I thank my friend RICK BOUCHER for his dual role in this very long operation. And, of course, as unusual, LAMAR SMITH has been invaluable, as well as Chairman HENRY WAXMAN and Ranking Member JOE BARTON of the Energy and Commerce Committee.

It was not easy to develop this consensus between very strong entities in this technology, but I am happy to bring this bill to the floor today.

Mr. Speaker, the “Satellite Television Extension and Localism Act of 2010” reauthorizes the satellite compulsory license until December 31, 2014, and modernizes the copyright licenses for satellite and cable television.

The bill before us today is based on H.R. 3570, legislation I introduced last September, which was reported by our committee unanimously, combined with legislation reported by the Energy and Commerce Committee, and passed by the House overwhelmingly in December.

It includes a small number of further clarifications worked out in bipartisan coordination between our two Committees and our Senate counterparts.

It is the product of more than a year of hearings, fact-finding, and extensive discussions between the four Committees and local broadcasters, copyright owners, satellite companies, cable companies, public television, consumer groups, the Copyright Office, and other experts.

The result is licenses that meet the challenges of the digital age to enhance the efficiency and competition that provides consumers with more—and better—options.

First, the bill solves the so-called “phantom signal” problem in the cable license.

Under current law, cable companies have believed they were being asked to pay for programming that not all their customers were receiving. At the same time, copyright owners have believed that they were underpaid.

After much negotiation, this bill designs a new way to calculate cable license royalties. Now cable providers have more certainty, and copyright owners get more compensation.

Second, the bill makes it possible for all satellite consumers to get their local broadcast programming.

Under current law, DISH network is not permitted to use the Section 119 satellite license. At the same time, there are many television markets where customers do not get local programming with their satellite service. This is because rebroadcasting local programming takes money and satellite space.

If the market is too small, satellite companies don't offer the service. Some of these customers live in rural areas, and cannot even get their local networks over the air.

Every customer should be able to get local news, weather, and sports. So to close this service gap, DISH will get to use the Section 119 license again if, and only if, it accepts the burden of local programming in every single market.

We have worked together to make sure this deal is as fair as possible to copyright owners, local broadcasters, and consumers.

Third, this bill explains how satellite companies can use the license when there is a “multicast.”

For the first time, local broadcasters can now send several streams of programming over one digital signal. This is called “multicasting.”

Satellite companies are only allowed to use the license to give substitute programming to customers who don't get network from their local broadcaster. We call those customers “unserved.”

But there was confusion over whether a customer was considered “unserved” if it got a network by multicasting, instead of over the air.

Now it will be clear that a household is considered “served” no matter how it gets the signal from its local broadcaster. However, because this is a significant change, satellite providers will also be allowed some time to transition to this new system. That way there will be minimal disruption for consumers.

Finally, this bill provides a badly-needed audit right for copyright owners. For the first time, copyright owners can check and make sure that cable and satellite companies are paying them fairly.

Among the many Members who have contributed to the progress of this important legislation, I want to particularly thank my good friend from Virginia, RICK BOUCHER, for his invaluable contributions in his dual role as a senior Member of our Committee and the Chair of the Telecommunications Subcommittee.

I also want to thank Ranking Member LAMAR SMITH for helping us work to improve the bill in several ways, and HENRY WAXMAN and JOE BARTON, Chairman and Ranking Member of the Energy and Commerce Committee, for working with us to develop this consensus product.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is the single most important copyright bill to be considered by this Congress to date. It represents the culmination of a legislative process that began with hearings in the House Judiciary and Energy and Commerce Committees in February 2009.

Though bearing a Senate bill number, many of the policy positions contained in this bill originated in earlier

House versions of the legislation, including H.R. 3570, which overwhelmingly passed the House last year.

The legislation that previously passed the House and is incorporated into S. 3333 actually integrates two separate bills:

H.R. 3570, introduced by Chairman CONYERS and reported by the Judiciary Committee on September 16, 2009; and

H.R. 2994, which was the Energy and Commerce Committee's related measure to amend the Communications Act.

The principal purpose of this measure is to extend the compulsory license in section 119 of the Copyright Act that authorizes satellite carriers to deliver distant network programming to subscribers.

While fewer consumers rely upon the distant license to receive network programming than in years past, about 1 million households still derive some benefit from it. The absence of an immediate market alternative makes it necessary once again for Congress to extend the license temporarily until December 31, 2014. My hope is that this will be the last time Congress reauthorizes what was originally envisioned to be a temporary license.

In addition to amending the satellite license in section 119 of the Copyright Act, this bill also contains a number of significant amendments to the cable license in section 111 and a separate satellite license in section 122. The former governs the retransmission of both local and distant programming by cable providers, while the latter governs the satellite retransmission of local-into-local programming.

Perhaps the most significant amendment to the cable license is a resolution of the phantom signal issue. The provision in the bill was negotiated and is supported by both program owners and the cable industry. While circumstances prevented Congress from being able to further harmonize or eliminate these licenses, I am pleased we were able to make substantial improvements and address some of the most urgent concerns.

I thank Chairman CONYERS for bringing this legislation to the floor and want to recognize Chairman BERMAN and Senators LEAHY and SESSIONS for their support as well.

The inclusion of enhanced penalties for any future violation, along with provisions that require active judicial oversight and GAO review of DISH's compliance, coupled with an obligation that DISH certify its compliance to a Federal court, reflects critical and necessary improvements from prior versions of this bill.

I urge my colleagues to support S. 3333, the Satellite Television Extension and Localism Act. When enacted, the bill will both preserve and expand the ability of Americans to view network and independent station programming without interruption. And it will do so while taking into account the vital property interest of those whose programming is made subject to the licensing.

Mr. Speaker, I have no other speakers on this side, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we take the final step in adopting legislation that will ensure the continued satellite delivery of network television programming to rural homes that cannot receive that programming by means of an outdoor antenna or rabbit ears from a local television station.

Over the course of the last year, the House and Senate Commerce and Judiciary Committees have closely cooperated in a bipartisan process to revise and to modernize the law, and I want to say thanks to all of the members of the four committees who have been involved in this effort and have worked together in order to achieve the result and the success that we celebrate this morning.

My major goal in reforming the Satellite Home Viewer Act has been to bring to all 210 local television markets across the Nation what we refer to as local-into-local television service through which local television signals are transmitted by satellite to homes in the market where those television signals originate. With the passage of the bill that is now under consideration, we will achieve that goal.

Today, 28 of the 210 local television markets around the Nation do not have the benefit of local-into-local satellite service. And those local signals are tremendously important. Families routinely rely on local television to bring news about emergency weather conditions, to bring news about school closings and other events in the community, the timely knowledge of which is very important to the families that watch television in order to receive that information. And there are 28 rural markets across the United States where those very valuable local television signals are not available through satellite delivery. These are very rural markets, and most of them do not have a full complement of network-affiliated local television stations within the market. We call these short markets because they are missing one or more of the major network affiliates—ABC, NBC, CBS, and FOX—and in virtually all of these markets, one or more of those network programs are not available by means of a local television station.

Until today, their short-market status has made it economically unattractive for the satellite carriers to provide local television signals in these markets. So those markets currently are without that service, and that will soon change.

Last year I spoke to the chief executive officer of EchoStar, also known as DISH Network, one of the two major providers of satellite-based TV services across the United States. I asked him if working together we could find a way for his company to serve the 28 rural markets that do not have local tele-

vision service at the present time. He responded that if we revise the law to enable DISH to import distant network signals from stations located outside of these rural markets to the extent necessary to supply the network signals that are missing in those markets, DISH would then commit to serve all 210 local TV markets across the Nation.

The legislation before the House today makes that key change. Its passage means that in the near future EchoStar will begin serving the 28 rural markets that lack vital local television signals at the present time. The satellite necessary to deliver those services has been launched, the plans to uplink the signals of the stations and import distant network signals to the extent necessary to provide a full complement of network affiliates in those markets have been made. All that is now waiting is the passage of this bill in the House and its signature into law by the President.

And so with the act that we take today, we can be assured that in the very near future, all 210 local television markets across the country will receive this important service.

□ 1045

I want to commend the leadership of DISH Network for making the commitment. Millions of homes in America's most rural regions will be the beneficiaries.

I also want to say special thanks to Chairman CONYERS of the House Judiciary Committee and to our friend Mr. SMITH from Texas for their tremendous work and cooperation as our two committees together have fashioned this revision of the Satellite Home Viewer Act. It is an important step that we take.

And Mr. Speaker, I urge that the House approve this measure.

Mr. GOODLATTE. Mr. Speaker, I rise in support of S. 3333, the Satellite Television Extension and Localism Act. This legislation contains important provisions to enhance television services in rural areas.

Consumers in rural and mountainous areas, like my congressional district, are often beyond the reach of cable lines and do not have access to the types of programming that those who live in urban areas enjoy. I believe it is crucial for consumers in rural areas to have access to local news and emergency information, as well as robust television options.

I have worked hard for years to enhance the programming options for those in rural areas, including making sure satellite companies provide local channels. In fact, I was a member of the conference committee in the 106th Congress that negotiated the final version of the law that originally permitted satellite television companies to provide local television stations, which has made satellite companies more effective competitors to cable operators. Cable had been able to provide local broadcast network stations to their subscribers for years.

While that law eliminated the legal barriers to satellite companies providing local stations, it did not assure delivery of local television via satellite to all television markets. Since then, I

have continued to work to encourage satellite companies to expand the areas where they provide local television stations, and we have had many successes.

However, there are still problems that we need to fix. For example, while everyone in my district has access to local programming from at least one satellite company, many folks still cannot receive all four network stations via satellite.

I am pleased to report that I helped insert a provision into this legislation that would change the definition of "unserved household" to eliminate a major impediment to satellite companies wishing to offer all four television networks to consumers in so-called short markets (those that do not have a full complement of all 4 networks locally). This provision will help ensure that all consumers in short markets have access to all four network television stations.

In addition, this legislation contains a provision that will allow DISH Network to again be permitted to offer network programming from other areas when there are no stations of the same network in the local market. DISH Network had previously been prohibited from offering these "distant" network television stations. Under S. 3333, DISH Network would be able to offer these distant channels only after it rolls out local television channels via satellite in all 210 television markets. This provision will inject competition into the satellite television market, especially in rural areas where often there is either one or no satellite providers.

The transition to digital television presented new issues for this reauthorization. As such, S. 3333 contains technical updates to reflect the reality that television broadcasts are now digital rather than analog.

This legislation is a big step forward in updating the laws governing satellite television in rural areas, and I urge the Members of this body to support this important legislation.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 3333.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CLARIFYING MINIMUM ESSENTIAL COVERAGE

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5014) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF HEALTH CARE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS THAT CONSTITUTES MINIMUM ESSENTIAL COVERAGE.

(a) IN GENERAL.—Clause (v) of section 5000A(f)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act, is amended to read as follows:

“(v) a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1501(b) of the Patient Protection and Affordable Care Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to add extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I rise today in strong support of H.R. 5014, a bill to reinforce that health care provided by the Department of Veteran Affairs constitutes minimum essential coverage under the individual mandate.

Very specifically, this bill clarifies that coverage at the VA for individuals who have spina bifida as a result of their parents exposure to Agent Orange counts as minimum essential coverage.

I want to be clear that this bill does not in any way change veterans health care, nor does it put anyone but the Secretary of Veteran Affairs in control of veterans benefits.

The bill has no cost. A similar version of this legislation passed the Senate by unanimous consent. This legislation is consistent with the commitment that the Congress has made to the veterans of our Nation.

Finally, I would like to highlight that it is supported by numerous veterans service organizations such as the Veterans of Foreign Wars, the American Legion, the AMVETS, and the Disabled American Veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, millions of American workers are in danger of losing their health care coverage because of the Democrats' unprecedented social experiment. One of the central flaws of the Democrats' health care overhaul is that it forces every American to buy health insurance and allows Federal bureaucrats to decide if their coverage is acceptable. If your insurance does

not meet the government's standards, then you will be taxed. That's why we're considering this bill today.

Certainly, none of us wants to see hundreds of disabled children of veterans lose their health insurance because of the Democrats' grand experiment on health care. I agree with the goal of this legislation and intend to support it.

However, where is the fix for the millions of American workers and retirees who will be forced out of the health care coverage they currently have?

Fortune.com reported internal company documents from four major U.S. employers reveal they are considering "dumping the health care coverage they provide to their workers in exchange for paying penalty fees to the government."

These companies currently offer health benefits to well over 2.3 million employees, retirees, and their dependents, a number that exceeds the population of 15 States as well as the District of Columbia.

AT&T reports they could save \$4.1 billion per year if they simply dump their employee health care coverage and pay the employer mandate tax instead. When will the Democrats put a bill on the floor that protects 1.2 million AT&T employees, retirees, and their dependents from losing their coverage?

Caterpillar would reduce its expenses by 70 percent if they eliminate health benefits and, instead, pay the tax. Where's the protection for these employees?

A survey conducted by the City University of New York for the Financial Executives Research Foundation found that three-quarters of chief financial officers believe the Democrat health overhaul will be "negative both for Americans and for their own companies."

Sixty-two percent of CFOs say they will have to increase employee copays by 48 percent. Forty-eight percent believe they will have to reduce the quality of the health care package they offer employees. And 46 percent say they will have to reduce employee benefits.

Even more troubling, The Philadelphia Inquirer recently interviewed legal experts who advise employers on how to structure their health plans. According to their report, some health care benefit managers "see a future in which employers no longer provide coverage because the cost of dropping health insurance for employees, about \$2,000 per person in Federal penalties to employers, is far less than the current cost of providing family coverage, about \$12,000 per employee. There is an opportunity to get out of providing health benefits to employees."

While I support the goal of the legislation before us, it is not enough. We must repeal this dangerous experiment with government control of health care and replace it with reforms that will allow all Americans to keep their health coverage.

Mr. Speaker, I yield so much time as he may consume to the ranking member of the Veterans Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. We're doing some unnecessary housecleaning today. I'm not certain whether you're cleaning out the garage or you're cleaning up the bedroom or cleaning up the mess you made in the kitchen. But one thing's clear: we're cleaning up a mess, a mess that we don't have to have done today, a mess that I tried to fix with the chairman the day before we voted on the health bill, and you wouldn't even do it then.

Yeah, we're cleaning up a mess, a mess because it was all about political expediency. Well, we've got to get a bill. The President's got political capital out there. We've got to get a bill.

Eighteen years I've been in this town. Whenever this town gives into a do-something mentality built on the emotion of the moment, people are going to get hurt, and that's exactly what's happened. People get hurt.

The health bill was never intended to have been signed into law by the President. It was a political document that was passed in the United States Senate to achieve 60 votes, to get to the conference table.

Oh, no. We'll just take that document that was drafted, not even vetted, and just bring it over to the House with all of its errors and just pass it, even when those of us with earnestness and sincerity to correct your bill, a Republican conservative to correct your mistakes, and you wouldn't even take it.

I go to the Rules Committee, to the Rules Committee, and lay out the mistakes in your bill. The stench that comes from the Rules Committee, with their pride, is that we stop all those amendments.

Are you kidding me? You stopped all those amendments. Oh, what pride.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded to address his remarks to the Chair.

Mr. BUYER. All right.

Mr. Speaker, there was a stench that came out of the Rules Committee. The stench was pride. They wouldn't swallow their pride to correct a bill when they had the opportunity to do it, so they came to the floor saying that, geez, we're not going to take any of those amendments.

So, now, Mr. Speaker, we're having to take up your time and this precious time on the floor to correct a bill that we shouldn't have to do. That's what we're doing here today, Mr. Speaker. And we're doing it with veterans.

Now let's talk about political corruption. Oh, Steve, you're dancing on the edge here; you mean there could have actually been political corruption on the night of the health bill? You bet.

What is the difference between politics and the super bowl of politics in the arena and corruption? Where do you cross the line? Is it really crossed? When do you end up in the nebulous?

Let me tell you about the Congressional Budget Office, the nonpartisan referee of the Congressional Budget Office, okay?

What was supposed to have happened? Let's do a little flashback here. Sunday, we're going to vote on the health bill. What happens? At midnight on Friday night, that bill that came over from the Senate, we finally get to see it. What's wrong? There are problems in the bill.

The drafting of the bill only mentioned TRICARE For Life, not the protection of TRICARE. So IKE SKELTON immediately, the chairman of the Armed Services Committee, files a bill to be brought to the floor for which Chairman LEVIN, you were here, and it was the Ike Skelton bill to protect TRICARE, a correction that had to be made. But it was made outside of the bill. I sought to make it a correction inside the bill.

We also had the problem with the drafting on the protection of veterans programs of title 38 under chapter 17, veterans programs. Well, there are other veterans programs under chapter 17 that were left out, including chapter 18, which is the spina bifida program, a serious problem. Oh, no, no, no, Steve. We're not going to take care of that. I guess we'll do it later.

□ 1100

Chairman LEVIN, you kept your word. You kept your word to me, so you are a gentleman. We tried to get it done on that day, and it didn't get done. And you kept your word to me, and we are back here today. But we shouldn't have to have been back here today I guess is my point.

Now, let me go back to the corruption. The corruption was I was still in earnest to have this corrected in the bill. The VFW was also very upset. So was the American Legion. So was DAV. So was the uniformed services. A couple other VSOs went ahead and rolled over like a political dog and let you scratch their belly. But I will tell you what, these other ones stood firm because they knew the bill was flawed.

Here is a quote from the commander of the VFW: The President and the Democrat leadership are betraying America's veterans, and what makes matters worse is the leadership and the President know the bill is flawed, yet are pushing for passage today like it's a do-or-die situation. This Nation deserves the best from their elected officials, and the rush to pass legislation of this magnitude is not it.

He's right. That's what happened on that day. That's why we are having to come back and clean up the mess.

Now we go to the day of the bill itself. What are we going to do? We are going to have the motion to recommit the bill. So what's Mr. BUYER going to do? We are going to put in the motion to recommit the bill to correct these mistakes with regard to the TRICARE program to cover our military and their dependents and protect their ju-

risdiction, also make sure that the other veterans programs, the CHAMPVA and the spina bifida program are protected. And what happened?

I get a ring, ring, ring, ring, a phone call from CBO. CBO says, We believe that your bill may score at \$4.4 billion. Are you kidding me, \$4.4 billion? We just did IKE SKELTON's bill on Saturday, and it did not score. But my bill is now going to score on Sunday and IKE's didn't score on Saturday? Are you kidding me?

Now the stench is coming from somewhere else, Mr. Speaker. CBO, the Congressional Budget Office. What happened to fair dealing? What happened to being a referee and nonpartisanship? So I say to CBO in that phone conference—some of the individuals who were in that conference are sitting right here; correct me if I am inaccurate—Go back and look at your numbers and call me back because there is no way this can score. They then call back and they come back and said, We have concerns; your bill may score at \$4.4 billion.

Okay, I tell you what. This is what I told CBO: do not send me a letter tomorrow that says the bill doesn't score. In my heart, I know what you are doing. You are blocking to prevent me from bringing a motion to recommit the health bill on the House floor so the Democratic leadership and Democrats do not have to take a tough vote and actually admit that the VFW and the American Legion and DAV were right that the bill is flawed and doesn't protect veterans.

Now, because all this is boiling, what does the White House do? The White House does not want to recreate another Joe Wilson moment where someone stands up and challenges the President's veracity. So what do they do? The White House press shop goes and contacts the Secretary of the Veterans Affairs, and they get the Secretary of the VA to say what BUYER has brought out is unfounded. They get the Secretary of the VA to do the dirty work. The individuals who are serving the Secretary of the VA are not serving that man well at all, because whatever that he said was unfounded has been founded. It's been founded because we are correcting what I said the mistakes were made.

Let me continue on with the corruption wave. Let me talk about those who sit up on the perch. Oh, my gosh, they are not there. Our friends in the media, they are not there. Where are they? No, they are not there because let me tell you what they did that night. They participated in the marginalization of me, the mistakes, because they said, well, we have got four Democratic chairmen say there were no mistakes. The Secretary of the VA says there are no mistakes. The bill must be okay. BUYER, you must be an alarmist.

And so Tom Philpott, a very good writer, someone who I respect in this

town, with the Baltimore Sun, actually writes an article about how I must have been an alarmist because the four leading chairmen and the Democratic leadership and the White House and the Secretary of the VA say, Steve, what you are talking about with regard to TRICARE and spina bifida and the other veterans programs was unfounded.

Then why are we here today correcting those mistakes? Because they are founded. They are real. So where is the press now to write the story that the VFW, you were right when you challenged the leadership for passing a flawed bill?

Well, let me tell you now, let me close the loop with the corruption in the CBO. I didn't bring that motion to recommit the bill, did I? I couldn't bring it because they said the bill scored at \$4.4 billion. So I couldn't bring it here on the floor. So I told CBO, guess what, you win. I can't bring it. But if you tomorrow, you send me a letter that says it didn't score, I tell you what I am going to do. Because you said it scores at \$4.4 billion, that means that the savings that the Democratic leadership was talking about as a pay-for for their health bill, the savings of \$4.4 billion was taken out of veterans programs. That's where the savings came from.

So I said, okay, fine, if my motion to recommit scores at \$4.4 billion, then the savings that they talked about over here, where you got savings in the health bill, let's vote for the health bill, it was taken out of the veterans programs. That's where it came from.

So what happens on Monday morning? I issue a press release that says \$4.4 billion is taken out of the veterans savings programs. Within 2 hours what does CBO do, Mr. Speaker? They issue a statement to me that says the bill doesn't score. My amendment didn't score. Oh, my gosh.

To every Member out there who has had an experience over the years dealing with CBO, protect yourself. Right now you cannot trust CBO. You cannot trust their veracity. I stand here with a gentleman with honor, and I am sickened by what CBO had done. I was sickened by the super bowl of politics that occurred on that night, that here we had a bill that is very meaningful to the American people, we know there are errors. The gentleman whom I have complimented knew in his heart that there were problems with the bill we are going to have to come back and correct. We shouldn't have had to do this.

I felt compelled, though, to tell the story. I am a retiring Member of Congress. There are things I love and defend about this institution. But there are also things that are called the dark side of human behavior that are toxic and poisonous, and they disturb me to no end. So to Members: hold onto your honor, put your face into the cold wind, and do not accept it when individuals act with corruption. Stand and

shove them back. Our country is too great.

Especially to have played politics with veterans programs is the ultimate to me. The children of Korean and Vietnam war-era veterans with spina bifida, are you kidding me? That's who we are going to play games with? The other veterans programs, who are those individuals? They are the widows, they are the war widows, and we are going to play politics with war widows.

There is a word, I guess, we don't like to use very often. It's called "shame." It's because it's a very, very powerful word. That's shameful what we did. When an error is in front of you and you have got the opportunity to correct that error, you correct it. If you do not, it is shameful. And I will accept responsibility, too.

But if I am going to accept responsibility as a leader of this House that I was unable to see it through, someone else better also step forward and accept responsibility, Madam Speaker. And you turn and you then face the veterans at the conventions this summer and you tell them, Yes, the bill was flawed, but I apologize and the bill was corrected; and with the issues that were brought up by Mr. BUYER, they were founded. I apologize for challenging his veracity because what he said was right. And the Madam Speaker should say, I was wrong.

And under the President, you should also say to the Secretary of the VA, I apologize to you, Mr. Secretary; we put you in an uncomfortable position whereby you laid your honor on the line and made a statement that was not truthful. And the President should apologize then to the Secretary of the VA. That's how you clean up the mess.

So it's not just the legislative mess; there is a mess here with regard to individuals' integrity and their honor. And so if you wonder why the American people are upset and disgusted with Washington, DC, it is because they see that this is what's happening. I assure you we lost our majority, and you are about to lose yours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that they should direct their remarks to the Chair and not to others in the second person.

Members also are reminded that it is not in order to draw attention to occupants of the gallery.

Mr. LEVIN. How much time is remaining?

The SPEAKER pro tempore. The gentleman from California has no time remaining. The gentleman from Michigan has 18½ minutes remaining.

Mr. LEVIN. Let me say a few words. I really regret that the minority has decided to use this bill as an opportunity to talk about the health care bill I think in totally irresponsible ways. I don't think it is fitting for the service of the veterans of the United States of America that you decide to essentially use this time to talk about

issues unrelated. I don't think that is consonant with why you are here and why we are here. So I am not going to debate the health care bill.

We are talking today about a bill to make very clear, if there is any need, about one provision. Talk about playing politics, that's what's been endeavored here by the minority speakers. And I think it's deeply regrettable. There is a difference of opinion as to whether there was any mistake at all on this specific issue. There is a difference of opinion.

The Secretary of the VA said that this issue was already covered. That was his judgment. There is no need for anybody to apologize to the Secretary. And so there was this difference of opinion as to whether there was any need to correct. And a lot of us said there was no such need. When it was raised, this issue by Mr. BUYER, we said that. So instead of acting on something that we thought was not necessary, what we said was we will take further steps to make sure there is no concern.

There was a lot of rhetoric that went around regarding that issue. And I want to just read a letter that came out shortly thereafter from the commander in chief of the VFW. It was a letter to our Speaker.

□ 1115

It was a letter to our Speaker, and this is what the letter said:

"Dear Madam Speaker, I want to apologize for saying in a Sunday press release that you and the Democratic leadership are betraying Americans, America's veterans. Your support of America's veterans, military, and their families is and has been above reproach." Above reproach.

And so now using this opportunity to try to cast any aspersion, I think, is more than unfortunate, if I might say so, it is disgraceful.

There was said something about we were doing something in health care reform on the emotion of the moment. Talk about emotions?

Now, we had worked on this, health care reform, in our country for decade after decade after decade after decade, and more decades. Health care reform was an effort in the best American tradition to try to advance what has made this country great—and that is acting as a community to meet the needs of individuals, to combine responsibility and community.

So, let me get back. If you want to go out and talk about repeal, as the gentleman from California has, go and talk to the seniors who are going to benefit from the health reform bill, go and talk to the kids who are under 26 who are going to receive coverage through this bill, go and talk to the people who otherwise would have their health care rescinded as some entities tried and then, to their credit, backed off when we raised the issue.

Now, if anybody is playing politics today, it's no one on this side led by our distinguished Speaker.

So I urge adoption of this legislation, and I will enter into the record three letters.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 12, 2010.

Hon. BOB FILNER,
Chairman, House Veterans Affairs Committee,
Cannon House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN FILNER: On behalf of the 2.1 million members of the Veterans of Foreign Wars and its Auxiliaries, I would like to offer our very strong support for your legislation H.R. 5014, which would clarify and protect all VA health care programs under Title 38, Chapter 17 and 18 to constitute as minimum essential health care coverage.

VFW applauds your efforts to clarify this critical issue. We sincerely appreciate your commitment to America's veterans and their families and we look forward to continuing to work with you on issues of concern.

Very Truly Yours,

ROBERT E. WALLACE,
Executive Director.

THE AMERICAN LEGION,
Washington, DC, May 12, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: The American Legion fully supports the amended language to H.R. 5014, to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

After careful review, The American Legion believes this legislative change would provide the Secretary of Veterans Affairs with the continued authority to provide timely access to the nation's best quality of health care for veterans and their eligible family members consistent with the recently enacted Patient Protection and Affordable Care Act, especially those covered under chapters 17 and 18 of title 38, United States Code.

The American Legion applauds your leadership on this critical issue and your continued support of America's veterans' community.

Sincerely,

PETER S. GAYTAN,
Executive Director.

VIETNAM VETERANS OF AMERICA,
Silver Spring, MD, May 12, 2010.

Hon. NANCY PELOSI,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MADAM SPEAKER, Please know that Vietnam Veterans of America (VVA) endorses and supports enactment of H.R. 5014, which effectively clarifies for veterans that the health care provided by the Department of Veterans Affairs does in fact constitute the minimum essential coverage required under the recently enacted Patient Protection and Affordable Care Act.

This should put to rest, finally, any and all qualms of any and all veterans and their families who might feel uneasy that the provisions of the new law might adversely affect their health care through the VA. Passage of H.R. 5014 should reassure them, and we look forward to its swift enactment.

Thank you again for your continuing commitment to our nation's veterans.

Sincerely,

JOHN ROWAN,
National President.

I yield back the balance of my time.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr.

LEVIN) that the House suspend the rules and pass the bill, H.R. 5014, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SYMPATHY FOR FLOOD VICTIMS IN SOUTHEAST

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1337) expressing the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1337

Whereas, beginning on May 2, 2010, the State of Tennessee was hit by unprecedented rainfall that resulted in the massive flooding of areas in and around Nashville;

Whereas according to the National Weather Service of the National Oceanic and Atmospheric Administration, the two-day rainfall totals of 13.53 inches more than doubles the previous record of 6.68 inches set in September, 1979;

Whereas the storms causing the rainfall claimed the lives of dozens of people across Tennessee, Kentucky, and Mississippi;

Whereas the storms destroyed homes and displaced thousands of people across Tennessee;

Whereas the flooding affected travel along hundreds of roads throughout Tennessee, including interstate highways 40 and 24;

Whereas the storms closed schools and universities across the region;

Whereas Tennessee Governor Phil Bredesen has worked with Federal, State, and local officials and agencies to coordinate rescue and recovery efforts;

Whereas, on May 3, 2010, Governor Bredesen declared a state of emergency for 52 counties, requesting Federal assistance for areas that were affected by the storms;

Whereas, on May 4, 2010, President Obama declared that a major disaster exists in the State of Tennessee and directed the Federal Emergency Management Agency to work closely with Tennessee to monitor the response efforts relating to the storms and flooding and identify and respond to any immediate emergency needs for the citizens and communities of Tennessee that are impacted by the devastating floods;

Whereas citizens and emergency responders of all stripes worked together to aid their neighbors after the storm; and

Whereas volunteers are giving their time to help ensure that evacuees are sheltered, clothed, fed, and comforted through the trauma caused by the storm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its deepest sympathy and condolences to the families of those who lost their

lives as the result of flooding beginning on May 2, 2010, in the States of Tennessee, Kentucky, and Mississippi;

(2) expresses its condolences to the families who lost their homes and other property in the flooding throughout Tennessee, Kentucky, and Mississippi;

(3) expresses gratitude and appreciation to the people of the State of Tennessee and the surrounding States, who continue to work to protect people from the floodwaters and aid in the recovery efforts;

(4) expresses its support as the Federal Emergency Management Agency continues its efforts to respond to any needs of the citizens and communities affected by the flooding and assists in the recovery efforts; and

(5) honors the emergency responders across Tennessee for their bravery and sacrifice during this tragedy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. COHEN).

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

In the first weekend of May, the great storms came through from the West and struck in Arkansas, Mississippi, Tennessee, and Kentucky. The flooding damage was record-breaking. The damage done in all States was great but in the State of Tennessee was the most severe, my home State. The most destruction, I guess, and the most damages occurred in the district of the Honorable JIM COOPER of Davidson County and environs. But in my own County of Shelby, there was extensive damage.

I joined with my colleagues in calling on our Governor to issue a request for a declaration of emergency, and that was done by Governor Bredesen. The Federal Government has responded in a magnificent manner.

President Barack Obama, in his historic speech to the Democratic National Convention in 2004, said how there was not a red United States of America and there was not a blue United States of America, but there was only one United States of America. And in this particular instance where people suffer in States that are all considered politically red States, the United States of America has responded with all of its resources to help our people, and our people need help.

FEMA's been on the ground. FEMA Director Fugate was in Tennessee in no time. Secretary Napolitano has been to Nashville. Secretary Donovan of HUD and Secretary Locke of Commerce have been to Memphis and to Nashville as well. And others have been there. I had FEMA officials at my town hall meeting on Saturday. They have let

people know that the Federal Government is there to help. The people have been very responsive, and our local governments are responsive.

When I went to Millington on Monday and toured some of the damage there, the people in the neighborhood said that the Shelby County officials had been outstanding in their response. They now feel the Federal Government's officials have been outstanding.

Secretaries Locke and Donovan visited the Ed Rice Community Center that's now a shelter in Frayser, part of my district. They visited in Millington, also. There are people in the Midtown, more of the heart of my district, who had great flooding damage. And people know now to call 1-800-621-FEMA to lodge their notice of their damages and to get on the list to start to have inspectors to come out, which they're doing, to assess the damages and ascertain which individuals are qualified for the \$29,900 in recovery funds that can be had for the damages for their residential establishment and/or their primary vehicle.

The SBA has been there and the head of the SBA, and the SBA is set up to help in losses over \$29,900 and to businesses for their losses as well. City and county governments and State governments will be eligible to qualify for debris removal and for goods that have been distributed.

Overall, the Volunteer State has responded as a Volunteer State should, and from its naming, volunteers have come from everywhere to help the people who have been damaged, and we have been contributing.

Hillary Clinton, quoting an African proverb, "It takes a village to raise a child." Well, it takes a village and a government to come together to help its people in times of great distress and natural disaster, and we have seen the Federal Government do that—and this government in particular—and I'm proud that we've done so. And I appreciate the response that I've seen in my State of Tennessee.

And I regret the damage, and I know the people have withstood it well. And I hope it never happens, and we know it will, but the Federal Government's been there.

So with that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1337 was introduced by the Tennessee delegation last week to express the sympathy and condolences of the House of Representatives to those impacted by the recent flooding in Tennessee, Kentucky, and Mississippi.

As we all know, earlier this month, Tennessee and Kentucky and Mississippi experienced severe rainfall resulting in unprecedented flooding, and it hit my home State of Tennessee the hardest of all. And while my district, fortunately, was spared from any of this flooding, our official title is United States Representative from

whatever State we're from, and I think that the Tennessee delegation has always worked together and joined together to try to represent the whole State even though we do each run in districts.

And on May 4, the President issued a major disaster declaration for Tennessee authorizing Federal assistance to supplement the State and local response and recovery efforts. And as our colleague, the gentleman from the 9th District, Mr. COHEN, has just stated, the outpouring of support for the people affected by this flooding has just been tremendous in, as he mentioned, our great Volunteer State of which we are so proud.

Unfortunately, as a result of these floods, in these three States dozens of people were killed and hundreds of homes were destroyed. Thousands of people were displaced and forced to take shelter. In Tennessee, the Governor declared 52 of Tennessee's 95 counties as disaster areas, and key landmarks like the Grand Ole Opry House were flooded with several feet of water. In Tennessee, it hit primarily the districts of our colleagues Congressman COOPER and Congresswoman BLACKBURN and Congressman GORDON.

In Kentucky, the Governor declared a state of emergency in 79 of its 120 counties and issued boiled water advisories affecting nearly 83,000 residents.

In Mississippi, nearly 250 homes were destroyed or suffered major damage, and the Governor has requested six counties receive a major disaster declaration.

But even in this tragic situation, we saw and continue to see many examples of heroism. As we have seen in previous disasters, people in the community, first responders, and volunteers have responded and in a big, big way. The State and local officials, along with organizations like the American Red Cross, continue to provide assistance and aid to those affected by this flooding. And FEMA's assistance has and will help supplement these efforts.

I strongly support passage of this resolution and urge all of my colleagues to do the same, and I'm sure they will.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I would like to yield as much time as the gentleman from Davidson County, Tennessee (Mr. COOPER) needs. He's the primary author of this particular resolution and the distinguished Congressperson from the district that suffered the greatest in our country, Mr. COOPER.

Mr. COOPER. Mr. Speaker, I thank all of my colleagues for their unanimous bipartisan support of this resolution honoring the people of the three State areas that were affected.

We suffered one of the great rainfalls of modern times, literally doubled the prior record—13 inches of rain in a 2-day period—and that led to a real disaster, particularly in the area of middle Tennessee that I represent.

The mayor of Nashville, Karl Dean, who's done a magnificent job respond-

ing to this crisis, has estimated the damage already at at least \$1.5 billion. But the response of the community has been magnificent.

And the real message of our resolution today is Nashville is open for business. Tourists are welcome. Most all of the sites will be available and ready to welcome you. A few are down temporarily, but we are rebuilding, and we are rebuilding because of the magnificent volunteer spirit of our people. Wherever you went to help a homeowner clean up a mess or to help a business recover, you were greeted with dozens, sometimes hundreds of volunteers.

There's a group called Hands On Nashville that did a wonderful job coordinating these efforts. Churches, other places of worship were magnificent delivering sandwiches to the hungry, sheltering the homeless, taking care of whatever needed to be taken care of in our community. So, the volunteer spirit was magnificent.

Now it's time for the government to step up. Whether it be FEMA or SBA or any other alphabet soup of Federal agencies, it's time for government to do its part.

So we look forward to working with the disaster victims to make sure that everybody is helped to the extent possible because this was an unforeseen and unforeseeable calamity. It affected our district. Unfortunately, it did not get the publicity it deserved because of the New York terrorist incident and the spill in the gulf.

But when Anderson Cooper of CNN came down, his initial headline for a story was "Nashville Flooding." As soon as he saw the magnificent response of our people, he changed that headline to "Nashville Rising." And that's our real message here. We are coming back and we are coming back strong.

So please, come visit Nashville, Tennessee. Spend your tourist dollars in our community. We need your help. And together, we'll restore the rightful place of country music and other forms of music in this country.

□ 1130

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Knoxville for yielding the time.

I rise today, and all of the people of Tennessee, so many of the families in my district have lost most or even all of what they had. Some have suffered loss of family members, and we express our sympathies to those families.

You know, homes are gone, businesses are wiped out, schools are flooded. School is even out for the year in some communities. Roads and bridges are absolutely washed away. And the road back for Tennessee is going to be a very long road. It is going to be difficult, also, but Tennesseans are undaunted.

I chose to stay in my district last week. All 15 of my counties are Federal disaster areas, and I wanted to make certain that my staff and I had the opportunity to get into those communities, into those counties, and to assess the needs and make certain that needs were being met.

This photo that I am showing you shows the extent of damage in one of the counties, Cheatham County, there in my district. But you know, it could have been taken over in Mr. DAVIS' district or Mr. TANNER's district or in Mr. COOPER's district. But it shows you what has happened with how roads are completely washed away. This is one of only hundreds and hundreds of roads that have been washed out by the storm. This one, you will see the road actually lies about 60 yards from the roadbed and where it originally was placed. The terrible force of the waters washed it out and onto the foundation of three homes that were completely washed away.

While the rain fell, neighbors stepped up to help neighbors, and those who had dry homes took people into those homes. And then, they started to get ready to rebuild. And what they are doing is forming purchasing pools to buy the supplies and help clear the homes and to rebuild those homes. I can't count the number of empty foundations that I saw across the district last week, or the skeletons of churches and homes and businesses that are now sitting on riverbanks.

I spoke to residents who have nothing, nothing at all, where their home used to be, some who have only parts of a foundation left. One resident was wearing only the clothes on his back. And he didn't talk about what his needs were or how great his loss was. What he talked about was rebuilding that community. And he talked about how he could replace material goods, but also about the richness of people helping people and coming together.

Our local governments, as Mr. COOPER was saying, the State of Tennessee and the Federal Government are responding. Aid that began to hit our urban areas around Nashville and Memphis is now making it out into the rural counties. The road back for those counties is going to be very difficult, but I commend those local elected officials for how they have stepped up, how they had a disaster plan and they also had an implementation plan, and they put it to work and responded in the appropriate way, being there to help all of their local citizens.

I commend FEMA and the administration for the aid that I know will eventually come to Tennessee and to our rural communities. And, most of all, I commend the families who once again have displayed why we are the Volunteer State.

Mr. COHEN. Mr. Speaker, I now yield such time as he may consume to the Honorable BART GORDON, who represents a district just south and south-east of Davidson County.

Mr. GORDON of Tennessee. I thank my friend from Memphis for yielding, and I thank my friend JIM COOPER from Nashville for bringing forth this good resolution. And I join my friend from Knoxville and Franklin and from our Kentucky neighbors in rising to support H. Res. 1337.

My district in middle Tennessee was among those devastated by historic rainfall and subsequent flooding on May 1 and 2. Seeing this kind of devastation just breaks your heart. Many Tennesseans were displaced, including my mother. While it was just a temporary inconvenience for her, and I am grateful for that, for some it was an ongoing disruption, and for others it was a life-changing event.

Even as many people in Tennessee return to normal routines, those families who were most affected will still be working to rebuild their lives. Those families will continue to need our compassion and support through the coming months. Federal assistance is available and will make a difference for many families, and that is why I encourage everyone in the affected counties to document their damage and contact FEMA. Apply even if you have insurance. If you find out months from now that insurance won't cover any damages, or all your damages, it might be too late to apply for FEMA assistance at that time. My staff in Murfreesboro, Gallatin, and Cookeville are standing ready to help anyone who has questions about how to apply for assistance.

A lot of good-hearted people have been pitching in to lend a hand after they just dried themselves off. Their generosity of spirit is inspiring to see, but it is not surprising. Our communities have rebounded after tornados and storms. This time, we will work together to rise above the floodwaters.

I urge my colleagues to support this resolution and to keep Tennessee in their thoughts and prayers.

Mr. DUNCAN. Mr. Speaker, I will close by saying that almost all Tennesseans have friends and relatives, including me, people who were affected by this flooding. And I want to commend all the people from my district who volunteered and who went to the aid of those people who were touched by this tragedy. And I want to commend the gentleman from Nashville, my friend Mr. COOPER, for bringing this resolution to the floor.

Again, I wish to express my sympathy and condolences to all those who were hurt or harmed in some way by this flooding or who have lost family members, and I urge support for this resolution.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I, too, thank Mr. COOPER for bringing this resolution, Mr. GORDON for testifying, and Mr. DUNCAN and Mrs. BLACKBURN for their testimony, all the members of the delegation who came together in a bipartisan manner and who I think, by their actions, indicated that they be-

lieve government can and is an effective tool to help people, and can, when used properly, efficiently, and effectively, as FEMA is now, be an important part of a government response to a crisis to help the American people.

As Mr. COOPER said, Nashville is open for business. And Nashville is a great city with a great tourist economy. While the Opryland Hotel may be closed temporarily, the Grand Ole Opry is still in business. There is still lots of music and lots of hotels open, and there is also the Music Highway that can take you right down I-40 to Memphis, and we would love to see you there, too.

Ms. PELOSI. Mr. Speaker, the flood waters in Tennessee, Kentucky, and Mississippi have begun to recede, but the thoughts and prayers of all Members of Congress remain with the residents of those States. As thousands of Americans work to put their lives back together in the aftermath of record-breaking flooding, this Congress stands with them.

We are particularly saddened by the tragic loss of more than 20 people. For families who have lost loved ones, the sympathies of all Americans are with them in these tragic times.

The Nation has been particularly affected by the situation in Nashville, where entire neighborhoods were under water. But as Russ Hazelton, resident of Nashville, said, "We have no choice but to solve this problem, and we're going to solve it with enthusiasm . . ." That enthusiasm will be matched by the Federal Government.

President Obama has declared the situation in Tennessee to be a major disaster. Congress will continue to work with those Members whose constituents have been affected by this tragedy to provide the assistance necessary.

With this resolution today, we also honor the efforts of our brave first responders, and State and local government officials, who have risked life and limb and worked tirelessly to safely evacuate people and return communities to normalcy. We stand with them today, and in the days ahead.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 1337, a resolution to express the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May 2010.

I express my heartfelt condolences to families and communities who have lost loved ones from these devastating floods in Tennessee, Kentucky, and Mississippi. I also express my sympathy for those whose homes were damaged or destroyed. Unfortunately, several times in recent years, I have come to the floor to express sympathy and condolences in the wake of nature's wrath and floods are the most common type of disaster our nation faces.

I would also like to express my appreciation for the men and women who have responded to this disaster, and those who are aiding in the recovery including police officers, firefighters, emergency managers, and emergency medical personnel. Twenty four hours a day, every day of the year, all over this country, when any type of tragedy enters our lives, from a medical emergency facing a neighbor to a large-scale natural disaster, terrorist attack, or other incident, our nation's emergency

responders and charitable organizations are the first on the scene to provide professional services, expert help, aid, and comfort. These well-trained, highly-skilled individuals are truly on the front lines in preparing for, responding to, recovering from, and mitigating damages from a variety of hazards.

As the waters recede, we will begin the inevitable and necessary process of rebuilding these homes and communities. As we do, it is important that we re-build safer and better to reduce the risk to lives and property. This is known as "mitigation". In the case of a flood, we can mitigate future risks by elevating the structure or key elements such as furnaces and electrical panels, or in some cases by acquiring the property and converting the land to open space.

Mitigation is an investment. According to two Congressionally-mandated studies, for every dollar invested in mitigation there is a return of at least three dollars. This is an investment that not only benefits the Federal Government, but State and local governments and citizens as well. According to the Federal Emergency Management Agency, previous mitigation investments have already been shown to pay off in the areas of Tennessee, Kentucky, and Mississippi that were flooded in this disaster.

I urge my colleagues to join me in supporting H. Res. 1337.

Mr. WAMP. Mr. Speaker, last week, flood waters devastated many businesses and homes of hardworking families in Tennessee. The torrential downpours and rise of the Cumberland River in Nashville was a 1,000-year event that no one could have predicted because this area is not in a flood plain. Therefore, a vast number of Tennesseans did not have flood insurance, leaving them hurting financially because of the high cost of home repairs and in need of additional support. Many are now homeless after this truly unique and devastating event in our State's history and my heart goes out to all affected, especially those who lost loved ones.

While Tennessee's capitol city and surrounding areas have been severely damaged, the volunteer spirit of its residents has shined. Tennesseans are helping themselves and their neighbors recover and move forward. Clean-up efforts are well underway and fundraisers are being held for the thousands who lost their homes or so many of their belongings. We have a long way to go before our cities and towns are completely restored, and I am committed to doing all I can to help Middle and West Tennessee rebuild after these devastating floods.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1337.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

INTERNATIONAL LEARN TO FLY DAY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1284) supporting the goals and ideals of International Learn to Fly Day, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1284

Whereas, since the birth of flight, aviation has had a tremendous impact on the imagination, innovation, and economy of the United States;

Whereas many of the Nation's heroes have been pilots, including the Wright brothers, Charles Lindbergh, Amelia Earhart, Charles "Chuck" Yeager, the Nation's astronauts and military aviators, and the flight crew of U.S. Airways Flight 1549, among others;

Whereas every one of these individuals had to learn to fly before they could achieve their greatness;

Whereas there are approximately 600,000 pilots and approximately 230,000 commercial and general aviation airplanes in the United States;

Whereas flight brings joy, inspiration, and a sense of accomplishment to those who fly for recreation, pleasure, and work;

Whereas flight allows the movement of people and commodities across the Nation and around the world quickly and efficiently; and

Whereas the third Saturday in May is an appropriate day to observe International Learn to Fly Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Learn to Fly Day; and

(2) recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the Nation's next generation of pilots.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the resolution, H. Res. 1284, as amended, introduced by the gentleman from Florida (Mr. BOYD) which supports the goals and ideals of International Learn to Fly Day and recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the Nation's next generation of pilots.

International Learn to Fly Day was established on May 15, 2009, to increase interest in flying and to encourage the aviation community to get others involved in aviation. The event was announced at the Experimental Aviation Association's AirVenture in Oshkosh, Wisconsin. Aviation groups, industry partners, flight schools, and flight instructors have come together to create a day dedicated to inspiring national interest in flight.

On International Learn to Fly Day, flight schools, airports, and independent flight instructors will offer free or discounted flight instruction and other educational aviation events. The aviation community will lend its time and expertise to introduce people to the thrill of flying and the opportunity to reflect back on Orville Wright. Airlines must be able to attract the next generation of commercial pilots. International Learn to Fly Day will be an important day to promote the experience of learning to fly, and to attract people to the pilot profession, of which my home city is the home to Federal Express, which employs many fine pilots and will, indeed, many more in the years to come as they continue to deliver cargo to the world.

International Learn to Fly Day will be observed each year on the third Saturday of May. I look forward to this first celebration on May 15, 2010, and urge my colleagues to join me in supporting H. Res. 1284.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 1284, which is a resolution obviously supporting the goals and ideals of International Learn to Fly Day. And I would like to thank Mr. BOYD and Mr. EHLERS for sponsoring this meaningful piece of legislation. Both of these individuals are great advocates of aviation, and they need to be commended for this bill.

Mr. Speaker, aviation plays an important role in America and throughout the world, and it expands business opportunities, creates very well-paying jobs, and it inspires innovation. Without flight instructors, flight schools, aviation groups, and industry promoting and teaching the next generation of pilots, many of these benefits are not going to be realized.

Unfortunately, in recent years the U.S. pilot population has declined. And as a pilot, actually a commercial pilot, myself, it was easy for me because I grew up across the road from the airport. I played in airplane wrecks as a kid. I pumped gas and washed windshields and washed airplanes, any way to mooch a ride and get a lesson. I grew up with it and grew up next to it, so I was able to learn to fly.

I find the news that the pilot population is declining extremely disappointing. In response, the International Learn to Fly Day was established, and it is the third Saturday in

May. This goal is to increase interest in flying and to encourage the aviation community and others to get involved in aviation.

There are a lot of groups out there, the Experimental Aircraft Association, the Aircraft Owners and Pilots Association. I know the General Aviation Manufacturers Association, which are all here this week, they are all coming up with programs and working on programs to encourage young people to fly and trying to either get them their first lesson or get them ground school, whatever the case may be. But this is a very worthy cause, and I am very proud to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, with your indulgence, I recognize the gentleman from west Tennessee (Mr. TANNER) out of order for such time as he may consume.

Mr. TANNER. Mr. Speaker, I was in a conference committee and could not get to the floor when the Tennessee delegation was speaking about the unprecedented flooding. Sixteen of the 19 counties in the Eighth District have been declared a disaster, and we expect the other three.

Mr. Speaker, I rise today in support of H. Res. 1337 to acknowledge the difficulties facing many Tennesseans as a result of the severe weather that struck our area recently.

Sadly, the storms that hit our area took seven lives in the 19 counties that make up the Eighth District, which we are honored to represent in this chamber. Our thoughts and prayers are with those families.

Additionally, there remains damage in all 19 counties that make up the Eighth District. We are appreciative that at the time we consider this resolution, 16 of those counties have been declared federal disaster areas, giving Tennessee families and businesses access to much-needed assistance as they get back on their feet. We are hopeful that the necessary assessments will be completed soon to allow federal assistance to all the counties we represent and others across the State.

Tennesseans always rise to the occasion when our neighbors are in need, and that was the case in this disaster as well. We commend the swift response from first responders, State and local leaders, volunteer organizations and members of the community. Both the Tennessee Emergency Management Agency, TEMA, and the Federal Emergency Management Agency, FEMA, were also on the ground immediately to begin their work helping those affected and ensuring assistance is on the way.

Mr. Speaker, I thank Mr. COOPER and our colleagues from Tennessee for bringing this resolution forward so the House has an opportunity to express its condolences to Tennesseans who are just beginning the recovery process.

Mr. COHEN. Mr. Speaker, I now yield such time as he may consume to the author of the resolution and a pilot himself, Mr. BOYD of Florida.

□ 1145

Mr. BOYD. I thank my friend, Mr. COHEN, for yielding me time.

Mr. Speaker, I rise today as cochairman of the General Aviation Caucus, with my friend, VERN EHLERS, my fellow cochair, in support of this resolution honoring International Learn to Fly Day. I want to thank Chairman OBERSTAR and Ranking Member JOHN MICA for their work on this bill to get it out of the Transportation and Infrastructure Committee. I also want to thank the original cosponsor of the bill, Representative GRAVES, for his work.

International Learn to Fly Day will be celebrated this Saturday, May 15, with opportunities throughout the country to learn more about the wonders of flying, how to get your pilots license, what to expect during flight training, and career options for you once you achieve that goal.

As many of you may surmise, I am a pilot myself, and I would encourage anyone I know to pursue their desire to learn to fly. You will not be disappointed. It's never too late to learn. Unlike Mr. GRAVES, I didn't grow up around flying, but in the service I became very interested in flying when I got an opportunity to spend a lot of time in a plane. When I came home and went into my profession, I continued to do that from time to time, and then, only less than 4 years ago, I achieved a lifelong goal of getting my private pilots license. I'm telling you, it has not been a disappointing experience.

I think it's very clear to us that when you travel around the country from time to time and go to these airports, particularly some of the smaller municipal airports, and see the general aviation activity, we learn how dependent we are in this country upon flying, and particularly the general aviation business. We have seen a good example in the recent volcano activity in Europe that our economies and our lives are limited without the ability to fly.

Mr. Speaker, Congress will surely earn its wings today if we pass this resolution. I urge support of H.R. 1284, and your local International Learn to Fly Day activities.

Mr. GRAVES. Mr. Speaker, I would yield such time as he may consume to one of the original sponsors, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding and I also want to recognize that Mr. GRAVES has been a real stalwart on the Transportation Committee, particularly the Aviation Subcommittee, with his wealth of experience in flying. The knowledge that he brings to it has just been invaluable. I really appreciate all that Mr. GRAVES has done for aviation in the Congress. That's very important because last year the Congress developed a negative impression of flying. You all recall, I suspect, that some corporate leaders came in asking for government funds, and they flew here in their private jets. That made headlines across the country. Unfortunately, the news media didn't leave it there, but continued to pursue the entire issue of flying and

presented the portrait of the average flyer as being very wealthy and having an airplane as a toy to play with. That is far from the truth. Most pilots do not have a lot of money. Very few of them own their own airplanes. This negative impression that was formed here by the Congress and in the Congress really troubled those of us who know something about flying.

I am not a professional pilot. I would love to be, but I've never had either the time or the money to do it. But I recognize injustice when it takes place. It took place right here in the Congress of the United States. And that led to a lot of activity on our part to try to educate the public about flying, about who the pilots are, what they accomplish for the economy as a whole, and in particular, what good works they do. A good example of that is the tremendous amount of effort the private pilots of the United States exerted in helping the island of Haiti.

Just last week, we had Harrison Ford here to describe what he had done. He owns several airplanes and did a number of flights into Haiti transporting doctors, medicines, and so forth. He is an example of what I'm talking about. Not everyone who took part is a movie star, as Harrison Ford is, but he was representing a lot of people who expended a lot of their own money to aid the people in Haiti through the use of airplanes flying goods in and out, flying patients out to the United States for medical treatment when they were in serious trouble, etc. And this is just one example of the many things that pilots and aviation in general do to help the public at large.

So I'm very proud to stand here and say we have to help aviation and private pilots in every way that we can. And one good way is to encourage them to learn to fly. Many individuals normally would not think of flying, but when they see that they can accomplish so much good with aviation, we hope that they will take the time to learn how to fly and to at least join a flying club or perhaps eventually own their own airplane so that they can really go forth and help a lot of people.

It's amazing how many people do this sort of thing in various fields. For years, I was interested in ham radio. Again, a tremendous help to the economy and to the people at large is done during emergencies by ham radio operators. It's very similar with pilots. When the need is there, they will rise to the occasion and they will provide the transportation that's necessary.

In my area, we have an Angels of Mercy program, which has done tremendous good work flying people to hospitals. The patients cannot afford to take a commercial plane to get distant medical treatment. They're not in good enough shape to travel by car. And so the Angels of Mercy fly individuals at essentially no cost or very low cost so that the patients can get medical treatment in the right place at the right time.

It is high time that we recognize the good service that these pilots provide and that we do everything we can to help them in that effort. This resolution is part of that—simply encouraging people to learn to fly. I know there's a local group in my district that has taken advantage of this to publicize flight lessons in my area. They have a number of people signed up already who are willing to learn to fly so that they can accomplish good for other people.

So I strongly urge that we adopt this resolution and recognize the good work that aviation does for the general welfare of our Nation.

Mr. GRAVES. Mr. Speaker, I have no further requests for time. I would just, again, like to express my strong support for this resolution. There's a lot of groups out there, again, that are encouraging flight. The Experimental Aircraft Association's Young Eagles program will give that young person their very first flight for free. I'd encourage anybody that would like to take advantage of that for a young person and to learn the joys of flying, to do that at their local airport.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, H. Res. 1284, as amended, introduced by the gentleman from Florida (Mr. BOYD), which supports the goals and ideals of International Learn to Fly Day, and recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the nation's next generation of pilots.

As an effort to increase interest in flying, and to encourage the aviation community to get others involved in aviation, International Learn to Fly Day was established on May 15, 2009. Learn to Fly Day was announced at the Experimental Aviation Association's AirVenture in Oshkosh, Wisconsin, with the support of aviation groups, industry partners, flight schools, and flight instructors. The day was founded to cultivate a new generation of pilots to act as role models and to ensure that airlines are able to meet future needs for airline travel.

On Learn to Fly Day, flight schools, airports, and independent flight instructors will offer free or discounted flight instruction courses and other educational aviation events. The aviation community will lend its time and expertise to increase public interest in flying.

Many of the nation's heroes have been pilots, including the Wright brothers, Amelia Earhart, and most recently, Captain Chesley "Sully" B. Sullenberger III and First Officer Jeffrey Skiles. Flight has always been a national and international source of fascination and inspiration. To continue the significant legacy of flight, the United States needs to ensure that it can attract the next generation of commercial and recreational pilots.

International Learn to Fly Day will be an important day to promote the experience of learning to fly. This year will be the first year that the day will be celebrated, with events taking place across the country, and some internationally. International Learn to Fly Day will be observed each year on the third Saturday of May.

I urge my colleagues to join me in supporting H. Res. 1284.

Mr. PETRI. Mr. Speaker, the resolution before us—introduced by the co-chairs of the GA Caucus, Dr. EHLERS and Mr. BOYD—expresses support for the designation of the third Saturday in May as "International Learn to Fly Day."

The resolution recognizes aviation's tremendous impact on the imagination, innovation, and economy of the United States.

Pilots are obviously a critical component of our aviation system and this resolution recognizes the need to cultivate the Nation's next generation of pilots.

It is fitting to recognize the international nature of aviation. The era of flight has certainly brought the world closer together.

Positioned between two major general aviation events in the United States, Sun and Fun in Lakeland, Florida and the EAA AirVenture in Oshkosh, Wisconsin, International Learn to Fly Day is a great time to encourage young people to take an interest in flying.

These air shows offer a great opportunity to get an up-close and personal look at the aircraft and interact with the pilots who make general aviation such a vibrant part of the aviation community in the United States, and around the world.

The International Learn to Fly Day is also a great way to encourage would-be aviators to follow in the footsteps of other aviators who have helped create the aviation system we all enjoy today.

Mr. Speaker, I support the adoption of the resolution, and urge my colleagues to support the resolution.

Mr. GRAVES. I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I thank Mr. BOYD and Mr. EHLERS for bringing this resolution, and ask that all Members unanimously support H. Res. 1284, as amended.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1284, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution supporting the goals and ideals of International Learn to Fly Day, and for other purposes."

A motion to reconsider was laid on the table.

RECOGNIZING AVIATION CONTRIBUTIONS IN HAITI EARTHQUAKE RELIEF

Mr. COHEN. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 61) expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 61

Whereas on January 12, 2010, the country of Haiti suffered a devastating earthquake;

Whereas after the earthquake, general aviation pilots rallied to provide transportation for medical staff and relief personnel;

Whereas more than 4,500 relief flights were made by general aviators in the first 30 days after the earthquake;

Whereas business aircraft alone conducted more than 700 flights, transporting 3,500 passengers, and over 1,000,000 pounds of cargo and supplies;

Whereas relief flights were fully paid for by individual pilots and aircraft owners;

Whereas smaller general aviation aircraft were able to deliver supplies and medical personnel to areas outside Port-Au-Prince which larger aircraft could not serve; and

Whereas the selfless efforts of the general aviation community have saved countless lives and provided humanitarian assistance in a time of need: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Congress—

(1) recognizes the many contributions of the general aviation pilots and industry to the Haiti earthquake relief efforts; and

(2) encourages the continued generosity of general aviation pilots and operators in the ongoing humanitarian relief efforts in Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material as necessary on S. Con. Res. 61.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. Con. Res. 61, a resolution which recognizes the many contributions of private pilots and the general aviation industry to the Haiti earthquake relief efforts and encourages the continued generosity of general aviation pilots and operators in ongoing humanitarian relief efforts in Haiti.

On January 12, 2010, a devastating earthquake struck Haiti, leaving up to 300,000 dead and 300,000 injured. Private pilots and businesses banded together to conduct an estimated 4,500 relief flights during the 30-day period following the earthquake. Business aircraft transported approximately 3,500 passengers and delivered over 1 million pounds of cargo and supplies to the Haitian people.

General aviation aircraft were vital for getting help to smaller communities that otherwise faced great difficulty in receiving aid. Media accounts described pilots ferrying supplies between nearby countries, like the Dominican Republic, to small towns in Haiti. They would often land on not much more than dirt roads. General aviation aircraft transported

critical supplies like food, blankets, medication, and medical equipment as well. The fuel from these aircraft was even used in some cases to help generators continue running. The aircraft carried medical staff and relief personnel from the United States to Haiti to assist in relief efforts, including a group that came from my hometown of Memphis, from LeBonheur Children's Hospital. They spent quite a bit of time down there.

I urge my colleagues to join me in supporting S. Con. Res. 61.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 61, a resolution recognizing general aviation pilots and the general aviation industry for their contributions in response to the Haiti earthquake relief efforts. As we all know, on January 12, 2010, the country of Haiti suffered a devastating earthquake. Immediately after the earthquake, general aviation pilots began providing transportation for medical staff and relief personnel. More than 4,500 flights were made by general aviators in the first 30 days, and business aircraft alone conducted more than 700 flights, transporting 3,500 passengers and over 1 million pounds of cargo—fully paid for by individual pilots and aircraft owners.

I would also like to take this opportunity to recognize the efforts of the Corporate Aviation Responding in Emergencies organization, called CARE, one of the largest contributors to Haiti response efforts. CARE is a group of volunteers from the business aviation community that coordinate relief flights in response to disasters. It was formed in response to Hurricane Katrina, and participants flew about 175 missions and moved approximately 1,000 people and 250,000 pounds of supplies.

The earthquake in Haiti produced another situation that was the fundamental case for business and general aviation. It needed quick reaction, decentralized response, and efficiency. Business and general aviation was the only response entity that could do all three. CARE Operation Haiti has included more than 750 flights with 4,000 passengers, and over a million pounds of critical medical supplies. CARE passengers have included medical personnel, relief workers, newly adopted children, injured patients, and missionaries. Over 100 aircraft have been activated for the program, flying more than \$5 million worth of flight hours.

□ 1200

Again, I would like to recognize the contributions of CARE and all those who took part in relief efforts in Haiti. I also would like to extend my deepest sympathies to the victims and families who have been impacted by this devastating disaster.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding. I said much of what I could say on this particular resolution when I discussed the previous one, and noted that it is important to recognize that general aviation is very, very important to our Nation. It serves so many people so well. I will not bother to repeat all the points I made earlier, but I simply want to say that I think this is an excellent resolution, and I hope that everyone in this Chamber will vote for it and that it will go into effect.

Mr. COHEN. I continue to reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I have no further requests for time. I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. COHEN. Madam Speaker, before we close, I want to take an opportunity, because I don't know if I will have the opportunity on the floor to do it. Mr. EHLERS is retiring during this Congress. When I was a freshman in 2006, he was the head of the Committee on House Administration that helped welcome all the freshmen and get us oriented to Congress, and he was one of the first influences on my experience in Congress. It was an excellent one. You are a gentleman. It's been an honor serving with you, and I thank you for your contributions to the Class of 2006. I wish you Godspeed.

Mr. PETRI. Madam Speaker, I rise in support of Senate Concurrent Resolution 61, Expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts.

On January 12, 2010, Haiti experienced a disastrous earthquake that overwhelmed its disaster relief capabilities. The world responded.

In addition to relief offered by governments from around the world, individual general aviation pilots did what they could to support the relief effort.

To help meet the desperate need for supplies to help those displaced by the earthquake, general aviation pilots made over 4,500 relief flights within the first thirty days after the disaster.

Some 3,500 passengers and 1 million pounds of cargo were transported by large general aviation aircraft, and general aviation pilots in smaller aircraft were able to serve areas that larger aircraft could not access, delivering critical medical personnel and supplies.

This concurrent resolution recognizes the magnanimous efforts of the general aviation community in the response to this terrible disaster. The extraordinary efforts of these general aviation pilots and the general aviation community saved countless lives and helped to ease the suffering of those in need.

The Senate adopted this resolution by unanimous consent on April 29, 2010. On this, the 4-month anniversary of the earthquake, I urge my colleagues to adopt this resolution recognizing the efforts of those who came to the aid of the people of Haiti.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of this resolution, S. Con. Res.

61, which recognizes the many contributions of the private pilots and the general aviation industry to the Haiti earthquake relief efforts and encourages the continued generosity of general aviation pilots and operators in ongoing humanitarian relief efforts in Haiti.

On January 12, 2010, the Republic of Haiti experienced a devastating earthquake, leaving up to an estimated 300,000 dead and 300,000 injured. It is also estimated that more than 4,500 relief flights were conducted by general aviation aircraft during the 30-day period following the earthquake. Business aircraft transported approximately 3,500 passengers and delivered more than one million pounds of cargo and supplies to the Haitian people. All of this was accomplished through the generosity of individual pilots and aircraft owners.

General aviation aircraft were vital for getting help to smaller communities that were impacted in the Haitian countryside. Light planes landed on shorter airstrips and distributed urgently-needed supplies to medical professionals and people on the ground, bypassing the congested Port-au-Prince airport.

General aviation aircraft and pilots assisted in delivering supplies, including water purification kits, tarps, medical supplies, blankets, and towels. Medical staff and relief personnel were also transported on these aircraft from the United States to Haiti to conduct relief work. Companies, business aviation and private pilots, nongovernmental relief organizations, aviation groups, and others banded together in the earthquake's aftermath to assist in the Haiti relief effort.

I urge my colleagues to join me in supporting S. Con. Res. 61.

Mr. COHEN. I would like to ask that all of our Members join in supporting S. Con. Res. 61. I yield back the balance of my time.

The SPEAKER pro tempore (Ms. MCCOLLUM). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 61.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNIZING THE SIGNIFICANT ACCOMPLISHMENTS OF AMERICORPS

Ms. TITUS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1338) recognizing the significant accomplishments of AmeriCorps and encouraging all citizens to join in a national effort to raise awareness about the importance of national and community service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1338

Whereas, since its inception in 1994, the AmeriCorps national service program has proven to be a highly effective way to engage Americans in meeting a wide range of local and national needs and promoting the ethic of service and volunteering;

Whereas, each year, AmeriCorps provides opportunities for 85,000 citizens across the Nation to give back in an intensive way to their communities;

Whereas those same individuals improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system;

Whereas AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year;

Whereas AmeriCorps members, after their terms of service end, are more likely to remain engaged in their communities as volunteers, teachers, and nonprofit professionals;

Whereas, on April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act, passed by bipartisan majorities in both the House of Representatives and the Senate, which reauthorized and will expand AmeriCorps programs;

Whereas national service programs have engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs;

Whereas, this year, as the economic downturn puts millions of Americans at risk, national service and volunteering are more important than ever; and

Whereas 2010's AmeriCorps Week, observed May 8 through May 15, provides the perfect opportunity for AmeriCorps members, alumni, grantees, program partners, and friends to shine a spotlight on the work done by members and to motivate more Americans to serve their communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners; and

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members.

The SPEAKER *pro tempore*. Pursuant to the rule, the gentlewoman from Nevada (Ms. TITUS) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. TITUS. Madam Speaker, I request 5 legislative days during which time Members may revise and extend and insert extraneous material on H. Res. 1338 into the RECORD.

The SPEAKER *pro tempore*. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Ms. TITUS. Madam Speaker, I yield myself such time as I may require.

I rise today in full support of House Resolution 1338, which recognizes the substantial contributions of AmeriCorps. Since 1994, AmeriCorps programs have engaged over 570,000 individuals of all ages in national service programs, totaling 705 million hours of service to our Nation. AmeriCorps was launched following the establishment of the Corporation for National and Community Service under the National

and Community Service Trust Act. The organization is composed of AmeriCorps State and national programs: the National Civilian Community Corps, or NCCC, and the Volunteers in Service to America, or VISTA program. The initial class of 20,000 volunteers helped establish and grow this wonderful program of volunteer service. AmeriCorps now involves 75,000 individuals each year to improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen our educational system.

AmeriCorps participants have tackled many timely and important issues, including health care, gang violence, drug abuse, environmental cleanup, and homelessness. They have partnered with thousands of organizations, including Habitat for Humanity and the Red Cross. AmeriCorps VISTA participants have been on the front lines in the fight against poverty in America. VISTA's 6,500 participants provide assistance each year to low-income communities by helping businesses, expanding access to technology, recruiting literacy volunteers, strengthening antipoverty groups, and creating sustainable programs that help people rise out of poverty.

National Civilian Community Corps participants have led service projects in areas of critical national need, including disaster response, infrastructure improvement, environment and energy conservation, and urban and rural development. Corps volunteers have responded to every nationally declared disaster since 1994 as well as helped communities prepare for the next emergency.

Most importantly, AmeriCorps members continue to serve their community even after their terms of service. In fact, many former workers continue as volunteers, teachers, nonprofit professionals, and government employees.

Madam Speaker, for those struggling to make ends meet during this tough economy, volunteers in the national service are more important than ever. The Edward M. Kennedy Serve America Act signed in 2009 by President Obama expands the AmeriCorps program to incorporate 250,000 volunteers each year, and the strength of our Nation depends on individuals who take action towards building better communities.

This week is AmeriCorps Week, when we recognize and thank the commitment of these volunteers so that future generations will continue to support the ideal of national service. It's important for us to highlight the important work done by the organization and to motivate others to become engaged and to volunteer, whether through AmeriCorps or other service opportunities throughout the country.

So I would ask that my colleagues join me in full support of House Resolution 1338 and to take a moment and appreciate the contributions by our many AmeriCorps participants. I want

to thank Representative MATSUI for bringing this resolution to the floor, and I urge my colleagues to pass it.

I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1338, a resolution recognizing AmeriCorps Week. This year marks the fourth annual AmeriCorps Week, which is May 8 to May 15. As a co-Chair of the National Service Caucus, I am honored to recognize the individuals who participate in the AmeriCorps program and dedicate their time and effort to helping others in local communities. Last year, President Obama signed the latest reauthorization of the Corporation for National and Community Service, the Serve America Act. This act aims to ensure additional accountability to national service programs, helps smaller organizations participate in national service, and works to ensure America's veterans can participate in service.

Americans have a long history of service to each other and to their country, and AmeriCorps creates a web of opportunities for Americans to serve. I saw ample evidence of this just yesterday when I participated in a ceremony in Grand Rapids, Michigan, my hometown. It was just striking to me what a multiplier effect we have with the AmeriCorps program. The room was filled with volunteers, but not all of them were AmeriCorps members. AmeriCorps had energized a lot of different organizations and a lot of different volunteers to put in time during the course of the past year, and many of them received rewards because of the quality of work they did. I was not only happy to see that the Federal Government had assisted in the formation of this group but also that we were getting so much for so little Federal money because the AmeriCorps people working there who did receive some Federal funds had, in fact, recruited a large number of other people to work with them, and so we accomplished a great deal in my community with very, very little Federal funding. I think that serves as a model for the Nation.

Nationwide, AmeriCorps provides 85,000 opportunities annually to serve communities from across the Nation and gives Americans the opportunity to offer their services in tutoring and mentoring disadvantaged youth, fighting illiteracy, building affordable housing, and assisting communities in times of natural disaster. In fact, there was a group of volunteers yesterday who were supposed to receive a reward for all their good work with Habitat for Humanity, and they were not there to receive it because they were putting up another house. That's an example of how these efforts are multiplied throughout the different communities.

A couple of examples of this ongoing service include AmeriCorps members assisting the American Red Cross in managing shelters for residents who

have evacuated their homes due to the flooding brought on by the heavy rain in Nashville, Tennessee, and partnering with Second Harvest Food Bank in greater New Orleans to assemble and ship emergency food boxes bound for the Louisiana coastal fishing communities whose livelihood is being impacted by the recent oil spill.

I want to take this opportunity to thank my colleagues Ms. MATSUI, Mr. PLATTS, Mr. PRICE and others for introducing this resolution with me.

I reserve the balance of my time.

Ms. TITUS. Madam Speaker, I am pleased at this time to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), the sponsor of the resolution.

Ms. MATSUI. I thank the gentlewoman for yielding me time.

Madam Speaker, I rise today in support of House Resolution 1338, which recognizes the significant accomplishments of AmeriCorps volunteers and helps raise awareness about the importance of national and community service. I would like to thank the Education and Labor Committee and especially Chairman MILLER for their support of this legislation and my fellow co-chairs of the National Service Caucus, Representatives EHLERS, PLATTS and PRICE, for their partnership. As a co-chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved in service at every level.

We are now in the midst of National AmeriCorps Week which is celebrated each year to honor the important work that AmeriCorps volunteers provide to our communities. At this time last year, the President had just recently signed the Senator Edward M. Kennedy Serve America Act, with strong bipartisan support in both the House and the Senate; and we have seen since then a tremendous increase in the number of AmeriCorps applications and interest in service as a whole.

The bill answered the call for Americans of all generations to help get the country through the recent economic crisis by serving in their communities. In times of strife, the American people have always shown a spirit of service and ingenuity, and investments in service and volunteer programs help prepare us to handle the unforeseen crises.

In my hometown of Sacramento, the AmeriCorps National Civilian Community Corps, or as we say NCCC, provides important benefits to our region. For example, Sacramento-based NCCC members served thousands of hours to help fight the fires that devastated the lives and livelihoods of thousands of Californians and, in doing so, helped protect thousands more. AmeriCorps NCCC members are disaster trained and available for immediate deployment in the event of a natural disaster anywhere within the United States. Through programs such as AmeriCorps, State and national Volunteers in Service to America, or VISTA, and NCCC,

servicemembers address critical needs in our communities, and we should continue to make national service more accessible to the millions of Americans who want to serve their country by contributing to their community.

Madam Speaker, AmeriCorps Week offers us an opportunity to honor the important work of AmeriCorps volunteers in our own districts and across the country. I urge my colleagues to support this resolution and take this opportunity to thank AmeriCorps volunteers for their dedication to improving our Nation one neighborhood at a time.

Mr. EHLERS. I have no further requests for time, and I yield back the balance of my time.

Ms. TITUS. Madam Speaker, I would just reiterate the points that have been made earlier but in a more brief fashion to say that I hope our colleagues will join in supporting this resolution and to say thank you to the many volunteers who are on the front lines helping us during times of crisis, whether it's economic, physical disaster or sociological change. We need their help, and we appreciate it. This is a resolution to do that. So I thank the sponsors. I thank the chairman of the Service Caucus and urge your support.

Mr. LOEBACK. Madam Speaker, I rise today to honor the fourth annual AmeriCorps Week.

I am fortunate to come from Iowa where a sense of community is the norm. In 2008, we were hit by the worst disaster in the state's history. The flooding destroyed homes and businesses, but Iowans pitched in to help their neighbors, and volunteers from across the nation came to assist our communities.

AmeriCorps members came to Cedar Rapids and other flood-affected areas immediately after the disaster hit, helping to meet people's basic needs in the aftermath of the emergency.

AmeriCorps volunteers continue to work in the area rebuilding homes, coordinating volunteer efforts, and revitalizing local community organizations. To date, about 1,700 AmeriCorps members have volunteered to help with the flood recovery effort.

Iowans owe a debt of gratitude to AmeriCorps, VISTA, and NCCC members who have worked so hard for our communities, so I am pleased to have the opportunity to thank them today.

Ms. TITUS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. TITUS) that the House suspend the rules and agree to the resolution, H. Res. 1338.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1215

RECOGNIZING NATIONAL NURSES WEEK

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1261) recognizing National Nurses Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1261

Whereas since 1990, National Nurses Week is celebrated annually from May 6, also known as National Recognition Day for Nurses, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting to protect the lives of those under their care;

Whereas nurses represent the largest single component of the health care profession with 3,100,000 jobs;

Whereas the work of nurses encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses help inform and educate the public and Congress to improve the recruitment, education, retention, and the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the American Association of Colleges of Nursing (AACN) released final survey data showing that enrollments in entry-level baccalaureate programs in nursing rose by 3.6 percent in 2009, and though this marks the ninth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas United States nursing programs were forced to reject almost 119,000 qualified applications to nursing programs according to the National League for Nursing's most recent survey of all prelicensure nursing programs;

Whereas according to the Bureau of Labor Statistics, employment of registered nurses is expected to grow by 22 percent from 2008 to 2018, much faster than the average for all occupations;

Whereas according to new survey data by the AACN, enrollment in doctoral nursing programs increased by more than 20 percent this year, signaling strong interest among students in careers as nursing scientists, faculty, primary care providers, and specialists;

Whereas according to the AACN, expanding capacity in baccalaureate and graduate programs is critical to sustaining a healthy nursing workforce and providing patients with the best care possible;

Whereas nursing colleges and universities across the country are struggling to meet the rising demand for nurses; and

Whereas increased support is needed to enhance efforts to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, and to

create educational opportunities to retain nurses in the profession: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(2) acknowledges the importance of quality higher education in nursing, including baccalaureate and graduate programs and programs that help expand the supply of nursing program faculty, to meet the needs of one of the Nation's fastest growing labor fields.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material on H. Res. 1261 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1261, which recognizes National Nurses Week and the significant contributions that nurses make to our Nation's health care system. National Nurses Week also stresses the importance of quality higher education in nursing to meet the needs of one of the fastest growing professions.

National Nurses Week began on May 6, a day also known as National Recognition Day for Nurses. Today marks the end of the week of recognition as we celebrate the birthday of Florence Nightingale, the founder of modern nursing.

All across the Nation, communities have spent this week recognizing our Nation's 3.1 million nurses for their heroic acts, years of service to the community, and commitment to the nursing profession. Today's health care system requires nurses to be present at every stage of patient care, including partnering with physicians, pharmacists and other health care professionals to direct and manage patient needs. We thank them for their hard work and dedication.

The number of nurses in the United States is expected to grow rapidly in the near future. The Bureau of Labor Statistics anticipates that the employment of registered nurses will grow by 22 percent from 2008 to 2018. The growth in nursing job openings, along with an increasing number of nurses retiring or leaving the profession, is likely to lead to a continued demand for nursing professionals. In fact, it is estimated that there could be a shortage of more than 1 million nurses by the end of this decade.

Madam Speaker, while we honor America's nurses, we know we must do

more to expand and sustain the profession. According to the National League for Nursing's most recent survey of all prelicensure nursing programs, thousands of qualified applicants have been rejected from nursing programs nationwide in the last few years. According to the League, the lack of capacity in nursing programs is due in part to a continuing shortage of nursing educators. It is vital that we support efforts to enhance existing education programs at both the baccalaureate and graduate level.

Madam Speaker, once again I express my support for National Nurses Week and the focus on the contributions of our Nation's many nurses to our health care system. We honor the excellent work done by nurses and encourage them to continue making a difference each and every day.

I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1261, recognizing National Nurses Week. The gentlewoman from California (Ms. WOOLSEY) explained in some detail the history of this week and the importance of nurses to our communities, to our States, and to our Nation. I strongly endorse and identify myself with her remarks.

I want to just take a personal moment. This is an especially important week in my house and my life. My wife, Vicky, has spent her entire adult life as a nurse, as a registered nurse. She did a career in the Army as an Army nurse and worked for years in emergency rooms and trauma centers literally around the country as I was transferred from duty station to duty station. And so I feel the importance that comes with this very noble and important profession.

I know the care and compassion that comes with this profession, the life-saving skills and the dedication. In my family, literally in Vicky's family, the nursing profession has long been part of that family. Her mother was a nurse. I have a niece, her niece is serving as an Army nurse. I have a sister-in-law who spent her adult life as a nurse. This is a profession that is, indeed, life-saving and so important to our families.

I want to extend my grateful congratulations to all those nurses, men and women, who have dedicated their lives to serving those in need here and around the world. I ask that my colleagues support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize for such time as she may consume the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the author of H. Res. 1261.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I thank Ms.

WOOLSEY for yielding me this time. It is a privilege to offer this resolution celebrating this resolution recognizing National Nurses Week, which ends today.

Nurses have been called the patient's first advocate, but their work also encompasses a wide scope of scientific inquiry, including clinical research, health systems research, and nursing education research.

Every day, nurses make a commitment to providing quality patient care, growing and adapting to the new challenges that our changing health care system requires.

I began my career as a registered professional nurse where I provided hands-on patient care for 15 years as a psychiatric nurse at the Veterans Administration Hospital in Dallas, Texas. This is why I remain a strong nursing ally today, advocating on behalf of the nursing profession to ensure that they have the means necessary to perform their jobs safely, with the best resources possible.

I would like to thank my fellow colleagues, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from New York (Mrs. MCCARTHY), who are also nurses and champions of this resolution and the nursing profession. The Congressional Nursing Caucus was also helpful in promoting this legislation, and I appreciate all of the efforts to generate support for the resolution.

Nurses are a key component to our Nation's health care system and will become even more vital with the full implementation of health care reform. Nurses work in emergency rooms, school-based clinics, community health centers, skilled nursing facilities, hospitals, physician offices, and on the battlefield. Their roles take many shapes from staff nurse to nurse educator, all while remaining committed to patient safety and working to influence the broader health care policy for the benefit of the greater good. Nurses are extremely dedicated individuals who must be intelligent and detail oriented, ready to act at the spur of the moment. A caring and compassionate heart is required for the tough work that nurses perform, usually under duress.

As important as the nursing industry is, we still face a nursing shortage. Enrollment rose in 2009 for entry-level B.A. programs, but the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003.

It is imperative that we expand capacity in B.A. and graduate programs to sustain a healthy nursing workforce and provide patients with the best care possible.

As we try to meet the demands of the nursing profession, we must also tackle the challenges related to the impact of faculty shortages on educational capacity.

Increased Federal and State support is needed to enhance existing programs and create new programs to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, and to retain nurses in the profession.

Mr. KLINE of Minnesota. Madam Speaker, I don't have any other speakers at this time, and I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize the gentlewoman from California (Mrs. CAPPS), who is also a nurse, for such time as she may consume.

Mrs. CAPPS. Madam Speaker, I rise in support of H. Res. 1261, recognizing National Nurses Week, and I thank the leadership in the Congress for bringing this bill to the floor and acknowledge the close personal ties that many of us have with nurses.

I am very honored and pleased to be cosponsoring this resolution with my House colleagues and fellow nurses, Ms. EDDIE BERNICE JOHNSON and also CAROLYN MCCARTHY.

The recent debate in Congress on health care reform and the passage of the Patient Protection and Affordable Care Act have provided us an opportunity to highlight the importance of nurses to our health care system. Nurses are the backbone of health care delivery, and I know that because occasionally I will be approached by a colleague who wants to tell me about a recent medical event in their life, some situation, procedure, or surgery or some hospital stay. And inevitably it isn't the kind of doctor care they had; it is the nurses that they want to tell me about, especially the outstanding ones who made all of the difference in their recovery. I know because it is nurses who spend countless hours at patient bedsides. It is nurses who are in all walks of life, educating their communities about public health, and that is what I did for most of my career as a nurse, caring for the children and their families in our public school system in my community.

Nurses are also case managers. They are health system administrators. They are educators. They are members of the military. They are primary providers, and this list goes on and on. So I am proud to see our House of Representatives recognizing the immeasurable contributions that nurses make to the daily health and well-being of all Americans.

Madam Speaker, I know as individuals we each recognize the important roles nurses play. Of course, too often this recognition and appreciation doesn't come until after we have had our own adverse health experiences, as I have been relating to you. As I said, many of my colleagues come up to me after a hospitalization or that of a family member, and again they say, Wow, if it hadn't been for the care of the nurses.

Today, we have an opportunity to collectively thank and show appreciation to the nurses in our lives and all of the nurses that serve our country every day in the armed services and in our communities, the nurses who are our constituents and our family members and our friends, and to renew our commitment to supporting the profes-

sion by providing greater opportunities for scholarship and loan repayment, just as we did in our newly enacted health reform law. We have a shortage of nurses and other health providers, and we want to do what we can to increase their numbers so that better patient care can be delivered.

We need to also increase funding for existing programs to improve the training and recruitment of our next generation of nurses. I urge all of my colleagues to support this resolution. I am pleased to be standing on the floor in its favor.

Mr. LATOURETTE. Madam Speaker, it is fitting that today, May 12, we are on the floor to honor our nation's nurses on the 20th anniversary of National Nurses Week. Why is May 12th significant? Because it is the birthday of Florence Nightingale, the founder of modern nursing.

As co-chair of the House Nursing Caucus, I am a proud supporter of H. Res. 1261, which was introduced by my colleague, Rep. EDDIE BERNICE JOHNSON.

More than three million jobs in this country are held by nurses, and they represent the largest single component of the health care profession. Nurses are the rock stars of the medical profession, and often are patients' greatest advocates. They do not get the recognition they deserve.

They work tirelessly, and often are the greatest source of comfort and compassion for the sick. They are American heroes with huge hearts and sensible shoes. Nurses have probably done more to popularize CROCS clogs than any other single profession. Whoever runs CROCS should give the nursing profession a high five for helping make their footwear a staple from coast to coast.

If you know a nurse, or have received kind and professional care from a nurse, take a moment to thank them. Today, which marks the close of National Nurses Week, is a perfect time to do it. Our nation's nurses deserve our praise, thanks and support, and I am proud to be here today to honor them.

Mr. CONYERS. Madam Speaker, I rise in strong support of H. Res. 1261, a resolution to recognize National Nurses Week and acknowledge the importance of quality nurse education programs.

The crucial role of nurses in our health care system cannot be overstated. Across the country, dedicated nurses work tirelessly to ensure that their patients receive quality care. In addition to their countless clinical responsibilities, nurses are a source of medical knowledge and compassion for families and patients when they are going through difficult times.

Sadly, many talented nurses are forced from their profession because of injuries sustained while on the job. Every year, thousands of nurses and health care workers sustain back and neck injuries while lifting or transferring patients. Not only are these injuries very expensive for hospitals and providers because of costs that are associated with workers' compensation, retraining and replacement, but they are also often devastating to the personal and professional lives of nurses. Fortunately, the musculoskeletal injuries in facilities that use assistive patient handling have significantly decreased. That is why I have introduced H.R. 2381, the "Nurse and Health Care

Worker Protection Act of 2009." This legislation would require the Secretary of Labor to promulgate a rule creating a standard for safe patient handling to prevent more nurses from being injured while assisting patients. Additionally, health facilities would be required to purchase an adequate number of mechanical lifting devices. Senator FRANKEN has introduced the companion bill, and just yesterday the Senate Subcommittee on Employment and Workplace Safety held a hearing on this critical issue.

I commend my friend Representative EDDIE BERNICE JOHNSON for introducing H. Res. 1261 which honors the necessary and valuable work that nurses do every day. I encourage my colleagues to support this resolution.

Mr. DEUTCH. Madam Speaker, as the old saying goes, "Save one life, you're a hero. Save 10,000, you're a nurse."

I rise today on the birthday of Florence Nightingale to honor America's nearly 3.1 million registered nurses as they celebrate this year's National Nurses Week themed "Nurses: Caring Today for a Healthier Tomorrow." Nursing is a profession that welcomes dedicated people with a variety of interests, strengths, and passions attracted by the numerous opportunities that the profession offers. Their dedication to improving the health of our Nation is unmatched, and with the recent passage of health reform, America's demand for nurses is greater than ever as we recruit more nurses to ensure patients' access to high-quality, affordable care, now and in the future.

America's nurses are especially important to our rural and underserved areas as they are the most cost-effective and often the only preventive and primary health care providers available. Our registered nurses are there for patients during times of disaster and crisis, and they serve us well in our schools and at our offices. They devote their lives to improving the quality of life of others and frequently adapt to meet the public's growing needs. The indispensable contributions of our nurses to our health care system are far too often overlooked.

I urge my colleagues to join with me in thanking America's nurses for their role in ensuring the health and well-being of our Nation. Nurses are experts in addressing patient needs. They make a difference every day in all of our lives. When you see a nurse today, thank them for their exceptional work because our caring nurses are ensuring a healthier tomorrow.

Mr. KLINE of Minnesota. Madam Speaker, I have no other speakers and I encourage my colleagues to support H. Res. 1261, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support H. Res. 1261, recognizing National Nurses Week and recognizing the significant contributions that nurses make to our Nation's health care system.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1261, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

OFFICER DANIEL FAULKNER CHILDREN OF FALLEN HEROES SCHOLARSHIP ACT

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 959) to increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 959

SECTION 1. SHORT TITLE.

This Act may be cited as the “Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010”.

SEC. 2. CALCULATION OF ELIGIBILITY.

Section 473(b) of the Higher Education Act of 1965 (20 U.S.C. 1087mm(b)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting “(in the case of a student who meets the requirement of subparagraph (B)(i), or academic year 2011–2012 (in the case of a student who meets the requirement of subparagraph (B)(ii)),” after “academic year 2009–2010”; and

(B) by amending subparagraph (B) to read as follows:

“(B) whose parent or guardian was—

“(i) a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; or

“(ii) was actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and”;

(2) in paragraph (3)—

(A) by striking “Notwithstanding” and inserting the following:

“(A) ARMED FORCES.—Notwithstanding”;

(B) by striking “paragraph (2)” and inserting “subparagraphs (A), (B)(i), and (C) of paragraph (2)”;

(C) by adding at the end the following:

“(B) PUBLIC SAFETY OFFICERS.—Notwithstanding any other provision of law, unless the Secretary establishes an alternate method to adjust the expected family contribution, for each student who meets the requirements of subparagraphs (A), (B)(ii), and (C) of paragraph (2), a financial aid administrator shall—

“(i) verify with the student that the student is eligible for the adjustment;

“(ii) adjust the expected family contribution in accordance with this subsection; and

“(iii) notify the Secretary of the adjustment and the student’s eligibility for the adjustment.”;

(3) by adding at the end the following:

“(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968, in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student’s educational assistance benefits under the Public Safety Officer’s Benefits program.

“(5) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘public safety officer’ means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a fire-

fighter, or as a member of a rescue squad or ambulance crew;

“(B) the term ‘law enforcement officer’ means an individual who—

“(i) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; and

“(ii) has statutory powers of arrest or apprehension;

“(C) the term ‘firefighter’ means an individual who is trained in the suppression of fire or hazardous-materials response and has the legal authority to engage in these duties;

“(D) the term ‘member of a rescue squad or ambulance crew’ means an individual who is an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

“(E) the term ‘public agency’ means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing, and the Amtrak Police and Federal Reserve Police departments.”.

SEC. 3. CALCULATION OF PELL GRANT AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965, as amended by the SAFRA Act (Public Law 111–152), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “The Amount” and inserting “Subject to subparagraph (C), the amount”; and

(2) by adding at the end the following new subparagraph:

“(C) In the case of a student who meet the requirements of subparagraphs (A), (B)(ii), and (C) of section 473(b)(2)—

“(i) clause (ii) of subparagraph (A) of this paragraph shall be applied by substituting ‘from the amounts appropriated in the last enacted appropriation Act applicable to that award year, an amount equal to the amount of the increase calculated under paragraph (8)(B) for that year’ for ‘the amount of the increase calculated under paragraph (8)(B) for that year’; and

“(ii) such student—

“(I) shall be provided an amount under clause (i) of this subparagraph only to the extent that funds are specifically provided in advance in an appropriation Act to such students for that award year; and

“(II) shall not be eligible for the amounts made available pursuant to clauses (i) through (iii) of paragraph (8)(A).”.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on July 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1230

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 959 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in full support of H.R. 959, which offers financial assistance for higher education to the children of police officers, firefighters, and other first responders who made the ultimate sacrifice in the line of duty.

Madam Speaker, it is an American responsibility to look after the children of our fallen heroes. A small but important gesture to fulfilling this commitment is to make a college education possible for the children who have lost a parent in the line of duty. These mothers and fathers have given their lives so that we might be safe. We should do all that we can to help their sons and daughters be successful.

We know that the loss of a parent can make it difficult for families to make ends meet, let alone send their kids to college. Making their children eligible for the maximum Pell Grant is the way to thank the officers for their sacrifice and to give their children an education which they might not otherwise be able to afford.

Under this bill, a child of a fallen police officer, firefighter, or other first responder who is eligible for a Pell Grant would become automatically eligible for the maximum Pell award. This legislation would waive the income eligibility requirements in such cases.

With passage of the 2008 Higher Education Opportunity Act, we expanded Pell Grants to survivors of soldiers killed in Iraq and Afghanistan in a similar manner. As a result, these children will be eligible for more than \$20,000 in grants for college over 4 years.

Whether it’s a sacrifice made on a distant battlefield or protecting our citizens here at home, it’s time we extended this benefit to all of the children of our fallen heroes. Our fallen heroes deserve our thanks and they deserve our respect, and we can honor them by supporting their children as they seek out a higher education.

I ask that my colleagues join me in full support of H.R. 959, and to take a moment to appreciate the daily sacrifices made by America’s police officers, firefighters, and first responders.

I want to thank Representative MURPHY for bringing this resolution to the floor, and I urge my colleagues to pass this resolution.

I also want to thank Chairman CONYERS of the Judiciary Committee for working with the Education and Labor

Committee on allowing this bill to move expeditiously to the floor.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 10, 2010.

Hon. GEORGE MILLER,
*Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN MILLER: In recognition of the desire to expedite consideration of H.R. 959, the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 959 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, May 10, 2010.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your May 10, 2010, letter regarding H.R. 959, Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on the Judiciary. I acknowledge that by waiving rights to further consideration at this time of H.R. 959, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 959, or similar legislation. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

GEORGE MILLER,
Chairman.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 959, the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010. I'm sure we're going to hear from my colleague from Pennsylvania (Mr. PATRICK J. MURPHY) something about Officer Daniel Faulkner.

He represents a profession where the men and women serving put their lives on the line every day. And H.R. 959 honors this ultimate sacrifice that fallen heroic police officers and firefighters make by providing their children with a helping hand that they cannot be there to provide in furthering their education.

Children of fallen Active Duty service men and women are already afforded this same assistance. This act ensures police officers and firefighters are honored in the same manner as our brave soldiers, sailors, airmen, and Marines for giving their lives to protect our safety.

Every year hundreds of police officers, firefighters, and other public safety officers die in the line of duty. Their jobs are inherently dangerous, and they accept this risk to protect America's citizens. It is important that we recognize their sacrifice and honor their lives. The Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act provides a fiscally responsible way to convey our gratitude and respect for those who sacrifice their lives to protect us.

Madam Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize the author of H.R. 959, the gentleman from Pennsylvania, Congressman PATRICK MURPHY, for as much time as he may consume.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I thank the gentlelady from California, and also the gentleman from Minnesota, Congressman KLINE, my Republican colleague, thank you so much for your service to our country in the Marine Corps and for supporting this bill. I do appreciate it.

Madam Speaker, I would also like to thank my colleague from across the aisle, Republican TODD PLATTS from Pennsylvania. He has been my battle buddy and my partner on this bipartisan bill. But his steadfast commitment to our Nation's first responders is second to none. We've worked on this bill together for 3 years now and today, finally, it will come to fruition, and it's been an honor to partner with him.

Madam Speaker, you know that this is National Police Week and Saturday is National Peace Officers Memorial Day. During these times of recognition and reflection, it's critical that we pause and thank those who bravely and selflessly protect us and our families.

But unfortunately, Madam Speaker, far too often we never get the chance to truly express our deep appreciation because too often a police officer, a firefighter, an EMS professional is taken from us too soon.

Last year, in 2009 alone, 126 law enforcement officers and 90 firefighters were killed in the line of duty. They and their families gave the ultimate sacrifice. These heroes sacrificed their lives for the most noble of causes, serving their community and their country.

And Madam Speaker, as so many of us remember, such was a tragedy 29 years ago when Officer Daniel Faulkner was murdered in Philadelphia during a routine traffic stop in Center City.

Officer Faulkner served in the Army prior to joining the Philadelphia Police Department. At the time of his death, just a few weeks before his 26th birthday, Danny was working toward his bachelor's degree in criminal justice at night, hoping to eventually work in the district attorney's office as a prosecutor. But because of the actions of a cold-blooded killer, he never got that chance.

Madam Speaker, it was his example of service, of valor and dedication that inspired me to introduce the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act. Under our legislation, if a child of one of these fallen heroes is eligible for any amount of Pell Grant money, they will become automatically eligible for the maximum grant available. In 2010, this means \$5,550 to help pay for college and nearly \$6,000 by 2017.

This bill is in honor of Officer Faulkner and the thousands of other heroes, including 11 officers, 21 firefighters, and two EMS workers who have lost their lives in Bucks County, Pennsylvania. This bill is for Middletown Police Officer Christopher Jones, killed in 2009; for paramedic Daniel McIntosh, killed just a few months ago in March 2010; and for countless others who have made the ultimate sacrifice. I'd like to submit for the RECORD the list of names of Bucks County police officers, firefighters, and EMS workers who did give the ultimate sacrifice. They are our community's heroes.

BUCKS COUNTY FIRST RESPONDERS KILLED IN THE LINE OF DUTY

Following is the list of Bucks County's fallen Police, Firefighters, and Paramedics killed over the past century:

POLICE

Sheriff Abraham L. Kulp
Shot to death on Feb. 24th, 1927 while trying to serve a warrant in Bedminster Township.

Chief Eli Myers

Chief of Police Myers was directing traffic at the scene of a brush fire when he was struck from behind by a vehicle he had waved through the intersection. Chief Myers was transported to a nearby hospital where he died a short time later. Dublin Borough, died Oct. 31, 1965. Struck on foot by vehicle. Aged 50 years, Chief Myers served 10 years.

Sgt. George Stuckey

Detective Sergeant Stuckey was shot and killed during a traffic stop. The suspects were speeding when Sergeant Stuckey pulled them over in front of the Bristol Twp Police Department. Unbeknownst to Sergeant Stuckey, the suspects had just robbed a bank. Bristol Township, died March 29, 1972. Aged 33 years, Sergeant Stuckey served 7 years.

Officer James Armstrong

Officer Armstrong was overpowered by a robbery suspect. The suspect gained control of Officer Armstrong's service weapon and shot him with his own gun. Officer Armstrong's K-9 dog was also killed by the suspect. The suspect received a life sentence.

Officer Armstrong died Apr. 15, 1975. He was aged 27 years and had served 4.

Officer Robert Yezzi

Officer Yezzi was struck by a passing vehicle while struggling with suspect. Bensalem Township, died Aug. 12th, 1980. Aged 29 years, Officer Yezzi served 5 years.

Deputy Sheriffs Thomas Bateman and George Warta

Deputy Bateman and Deputy George Warta were killed when their patrol car was struck head on by a tractor trailer on Sept. 22, 1986. Deputy Bateman was aged 31 years, and served 9 and Deputy Warta was aged 47 years and served 7 years.

Ranger Stanley Flynn

On September 22nd, 1986, Deputy Bateman was returning to his patrol area after leaving a prisoner at the jail. He and Deputy George Warta were involved in a traffic accident on Street Road in Warrington Township. Their vehicle went out of control and they were struck head on by a vehicle traveling in the opposite direction.

Officer Joseph E. Hanusey

Officer Hanusey was killed in an automobile accident while responding to assist another officer. The officer requesting back up had initiated a DUI traffic stop and was not responding to the Bucks County Dispatch Officer's calls. While en route, in heavy rain, Patrolman Hanusey's patrol car left the roadway and struck some trees at US Route 611 and Haring Road in Plumville, Pennsylvania. Officer Hanusey died May 18th, 2002. He was aged 30 years, and had served 5.5 years.

Officer Brian Gregg

Newtown Police Officer Gregg was killed on September 29, 2005 in an emergency room massacre at St. Mary Medical Center in Middletown Township.

Officer Chris Jones

Detective Chris Jones was struck and killed by a drunk driver while conducting a traffic stop on Route 1, near the I-95 interchange. As he was returning to his patrol car, two cars collided and careened into his vehicle, which then struck him. He was transported to a local hospital where he succumbed to his injuries a short time later. The driver who struck Detective Jones was charged with homicide by vehicle and several other charges. Detective Jones had served with the Middletown Township Police Department for 10 years and was posthumously promoted to the rank of Detective. He is survived by his wife and three children. Officer Jones died Jan. 29th, 2009. He was aged 37 years, and served 10 years.

FIRE

Walter L. Moore, Foreman:

Bristol Fire Company No. 1, Station 51

On April 21st 1915, Foreman Moore was killed in the line of duty while his apparatus he was riding in was struck by a train while responding to house boat fires.

Willis Sames, Fireman:

Perkasie Fire Company, Station 26

On April 1st 1926, firefighter Sames was killed in the line of duty when his apparatus he was in crashed while going to a drill in Quakertown.

Jacob C. Crouthamel, Fireman:

Perkasie Fire Company, Station 26

On April 1st 1926, firefighter Crouthamel was killed in the line of duty when his apparatus he was in crashed while going to a drill in Quakertown.

James F. Hurley, Fireman:

Yardley-Makefield Fire Company, Station 0

In April 1949, firefighter Hurley was killed in the line of duty on box 0-1, when he was crushed between the ladder truck and the fire station bay door.

William Bell, Fire Police Captain:

Warrington Fire Company, Station 29

On January 19th, 1964, fire police captain Bell was killed in the line of duty while directing traffic at an accident scene.

David S. Rubright, Assistant Chief:

Levittown Fire Company No. 1, Station 32

On November 15th, 1969, Assistant Chief Rubright was killed in the line of duty with a heart attack shortly after performing search and rescue on box 32-4, 16 Narcissus Lane.

Walter D. Miller, Fireman:

Croydon Fire Company, Station 11

On September 28th, 1970, Firefighter Miller was killed in the line of duty while operating on box 11-34, falling from the apparatus at State Road and Cedar Avenue.

Rudolph W. Bisler, Fireman:

Feasterville Fire Company, Station 1

On April 8th, 1971, firefighter Bisler died in the line of duty after a suffering a heart attack while driving an engine to a fire at the Phoenix Swim Club in Lower Southampton Twp.

Robert Roberts, Fireman:

Hartsville Fire Company Station 93

Watson Eyre Wright Jr., Fireman:

Warwick Fire Company Station 66

On Dec. 7th, 1974, died in the line of duty of a heart attack after returning from a dwelling fire.

Henry Costello, Fire Police Captain:

Line Lexington Fire Company, Station 60

On October 21st, 1975, fire police captain Costello died in the line of duty on box 60-01, the Hillside Inn 1903 Bethlehem Pike.

Wesley Evans, Fireman:

Bristol Consolidated Fire Company, Station 50

On December 12th, 1975, firefighter Evans died in the line of duty of a heart attack while operating on box 53-35, 332 Cleveland Street.

Geary Von Hoffman, Fireman:

Falls Township Fire Company No. 1, Station 30

On April 26th, 1976, firefighter Hoffman was killed in the line of duty while operating on box 30-41 when a flashover occurred at the St. George's Diner on Lincoln Highway.

John S. Buranich III, Fireman:

Edgely Fire Company, Station 10

On November 10th, 1976, firefighter Buranich died in the line of duty from injuries which occurred on July 23, 1976, while responding on box 10-36.

Julian R. Bley, Sr., Assistant Chief:

Bristol Fire Company No. 1, Station 51

On June 8th, 1984, Assistant Chief Bley was killed in the line of duty when he was electrocuted on box 53-16 at the Purex Corp, Radcliffe Street.

Thomas J. Gibson, Fireman:

Union Fire Company, Station 37

On March 6th, 1985 firefighter Gibson was killed in the line of duty when he fell from an aerial ladder while operating on box 11-33.

Stanley R. Konefal, Fire Chief:

Cornwells Fire Company No. 1, Station 16

On November 15th, 1986, Chief Konefal died in the line of duty when he was overcome by fumes while operating on box 16-4, 1154 Tennyson Avenue.

Milton E. Majors, Fire Police Captain:

Union Fire Company, Station 37

Tom Graver, Fire Police Captain:

Feasterville Fire Company, Station 1

On February 19th, 1974, Fire Police Captain Graver was killed in the line of duty while directing traffic at Street Road and Pennsylvania Blvd.

Nelson "Snooky" Margerum, Fire Chief:

Yardley-Makefield Fire Company, Station 0

Chief Margerum died in the line of duty on March 15th, 1992, after suffering a heart attack while operating on box 0-5, 326 Big Oak Road.

Walter F. Vaughan, Fire Police Officer:

Warminster Fire Company, Station 90

On November 13th, 1999 fire police officer Vaughan was killed in the line of duty while directing traffic on box 92-36, 1575 West Street Road.

EMS/PARAMEDIC:

Dale Francis

Died in 2001

Dan Macintosh (Paramedic)

Died in 2010

March 7, 2010

Madam Speaker, every first responder deserves to know that if the unthinkable were to happen, their children would be taken care of and that their family would not be alone. This legislation is a small step in that direction.

The work these heroes do every day puts an incredible strain on their families, too. I know it because my father, Jack Murphy, spent over 20 years in the Philadelphia Police Department. Fortunately for my family, he came home every night. But when he left for work, I could see the strain in my mother's face. She always said to us three children, Make sure you kiss your father good-bye because you never know if that's the last time you'll see him. She knew the risks of my dad's profession. But she also knew that he was doing his duty to protect all of us.

So many families in our communities are just like mine. And with this bill, this Congress can come together as Democrats and Republicans, as Americans, to do our part to ensure that the children of our fallen heroes can still afford to go to college despite their profound loss.

We have received tremendous support for this bill. It has been endorsed by the Fraternal Order of Police, the International Association of Firefighters, and Members on both sides of this aisle.

Madam Speaker, I urge my colleagues to vote for this bill because we must never forget what American heroes like Danny Faulkner, like Christopher Jones, like Daniel McIntosh, and countless others have given, and we must keep faith with those who love them.

Mr. KLINE of Minnesota. Madam Speaker, I encourage my colleagues to support H.R. 959, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support H.R. 959, which offers financial assistance for higher education to the children of police officers, firefighters, and other first responders who made the ultimate sacrifice in the line of duty.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and pass the bill, H.R. 959, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHILDREN'S BOOK WEEK

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1333) expressing support for the goals and ideals of Children's Book Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1333

Whereas research has indicated that children who are read to three or four times a week are more likely to recognize the letters of the alphabet, be able to count to 20, and write their own names;

Whereas children's books are instrumental in teaching children to read by providing simple phrases that promote reading techniques, including phonics, and retaining children's interest;

Whereas many teachers use children's books in the classroom as a tool to promote and teach literacy to their students;

Whereas Children's Book Week has been celebrated nationally since 1919 and is founded on the declaration that a "great nation is a reading nation";

Whereas Children's Book Week highlights the importance of parents and guardians taking the time to read with their children and encourages libraries, schools, and community organizations to hold events to promote reading; and

Whereas Children's Book Week is recognized May 10 to May 16, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Children's Book Week; and

(2) encourages parents to read with their children and schools, libraries, and community organizations to hold events to encourage children and students of all ages to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1333 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1333, a resolution in support of the goals and ideals of Children's Book Week, to be held from May 10 through May 16, 2010.

Children's Book Week is a great time to highlight the importance of reading to our children and our students. Educators, librarians, booksellers, and families have long celebrated children's books and the love of reading.

Since 1919 children's books and Children's Book Week have put an annual spotlight on this vitally important activity for a child's education and cognitive development. Through story-

telling, parties, and author and illustrator appearances, this week helps to encourage a love of reading in our children.

Today, even the very youngest child in America is growing up immersed in media, spending hours a day watching TV and playing video games. Parents and teachers promote better learning for these children when they turn off the TV and pull out a book and either sit with the child and read it or have the child read it on his or her own.

This year, official Children's Book Week events will be hosted in 10 cities and in classrooms, libraries, bookstores, and homes all across this country.

□ 1245

In addition, the Children's Choice Book Awards will honor important authors who bring their gifts of writing and imagination to our kids.

Madam Speaker, once again I express my support for Children's Book Week and celebrate reading for students of all ages. I thank Representative ROE for introducing this resolution, and I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1333. This resolution supports and honors Children's Book Week, which is in itself a celebration of the written word. And as my colleague so aptly said, today our children are immersed in a multimedia world. I know my grandchildren are unbelievably expert at video games. And I can't tell you how happy I am, how thrilled I am, when I see them sitting with a book.

I was so pleased to see that my oldest grandson followed in the line of his father and grandfather and great grandfather of seeking every available minute to get into the world of literature, to get into the written word, to read these books, going to the point of getting under the covers with a flashlight way after lights out time for bed. I think that's an important part of our children growing up.

I am concerned that many of our children are losing this touch with the written word. So I believe that the Congress expressing our support for the goals and ideals of Children's Book Week, the written word, is an important statement.

I urge my colleagues to support this resolution, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I thank the gentleman from Minnesota for working with us on these last three resolutions.

I urge my colleagues to support H. Res. 1333, a resolution in support of the goals and ideals of Children's Book Week.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1333.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5116, AMERICA COMPETES REAUTHORIZATION ACT OF 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1344

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. (b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution. (c) Each amendment printed in part B of the report of the Committee on Rules may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. (d) All points of order against amendments printed in part B of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Science and Technology or his designee to offer amendments en bloc consisting of amendments

printed in part B of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1344.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1344 provides for consideration of H.R. 5116, the America COMPETES Act. It is a structured rule, making in order 54 amendments. It also provides 1 hour of general debate, equally divided between the chairman and ranking member from the Committee on Science. It considers the amendment in the nature of a substitute to be considered as an original bill. The rule waives all points of order against consideration of the motion except clause 9 and 10 of rule XXI. Finally, the rule provides authority to the chairman of the Committee on Science or his designee to move amendments en bloc.

Madam Speaker, our Nation's economy fell off a cliff in the fall of 2008. By the end of the Bush administration, we were losing at least 700,000 jobs a month. In the last month of the Bush administration, that number was up to 780,000 jobs in that month alone. Congress then, working in tandem with the Obama administration, passed various pieces of legislation to stabilize our

economy in the short term and invest in various fields for the long-run growth of our country.

Fifteen months since the passage of the Recovery Act, we are seeing its impact. We went from 780,000 jobs lost the last month of the Bush administration to 290,000 jobs created in April 2010, a pretty significant swing given the fact that the loss was so drastic and so quick in the fall of 2008 and the first month of 2009. But we are not out of the woods yet. We are turning the tide.

This Congress recognizes no country on Earth can match the creativity, productivity, and hard work of the American entrepreneur. The America COMPETES Act builds upon this idea by investing in scientific research, industrial innovation, and hard science education. It gives our Nation's most creative scientists and engineers the resources they need to develop the breakthroughs which will change the world as we know it and make America even more competitive.

The bill reauthorizes programs in the National Science Foundation, the National Institute for Standards and Technology, and the Department of Energy to capture their full potential. This empowers our universities, which are undergoing tremendous strain as they weather the recent financial collapse.

In my own district, the Colorado School of Mines and the University of Colorado Health Science Center will have access to more funding to develop green energy, medical communications, and other technologies. The bill improves science, technology, engineering, and math education to ensure that our Nation's workforce has the training and know-how to maximize the investments that we make. It gives our innovators the chance to compete for more resources so they can research, develop, commercialize, and eventually transform our economy.

As we speak, there are scientists, inventors, and engineers in our Nation who are devising the next groundbreaking advances. We cannot afford to let those ideas wither on the vine. So I urge the passage of the rule and the underlying bill, which will create jobs and solidify the foundation for the long-term growth and prosperity of the United States.

With that, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from Colorado (Mr. PERLMUTTER), for the time. I yield myself such time as I may consume.

In order for the United States to compete in today's global marketplace and to spur long-term growth, we must invest in basic science research and development. In 2005, the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, collectively known as the National Academies, published the report "Rising Above the Gathering

Storm." The report concluded that the United States faces a serious challenge with regard to our future competitiveness and standard of living. That report led to the bipartisan enactment of the America COMPETES Act of 2007, which implemented the report's recommendations.

Today we are set to consider H.R. 5116, the America COMPETES Reauthorization Act of 2010. The bill reauthorizes the America COMPETES Act for 5 years, increases authorization spending levels to \$86 billion, and creates new programs.

I understand and I support the underlying principles of the America COMPETES Act, prioritizing and strengthening investments in basic research and development and STEM: science, technology, engineering, and mathematics education. But we need to have an economic strategy that encourages companies, businesses in the United States, to compete, to grow, and to hire new workers, a strategy that includes the streamlining of burdensome regulations, a strategy that reduces taxation, that brings our Federal spending under control, and controls the spiraling national debt.

□ 1300

So, Madam Speaker, as much as I would prefer to support the underlying legislation, I believe that at this time of severe budgetary constraints, the underlying legislation includes excessive spending levels.

The bill has an overall authorization of nearly \$86 billion, which represents approximately \$20 billion in new funding above the fiscal base of this year. That is a significant increase when we're facing record budget deficits. And that is after the so-called stimulus bill injected 6 billion additional dollars into the agencies funded by this bill.

The current national debt projections and the majority's insatiable appetite for spending are unsustainable. And if we continue on that trajectory, the America that we know, love, and admire will be severely threatened. Our excessive spending threatens the very foundation of our economy and our way of life. We could very well find ourselves in a position, soon, similar to today's Greece.

As we saw last week when the House considered the legislation on credits for refurbishing homes by my friend from Vermont (Mr. WELCH), Congress is beginning to realize the magnitude of the Nation's fiscal problem—though the congressional majority leadership has not yet realized it or simply does not care.

I may have voted in favor of the underlying legislation if the majority, nevertheless, had allowed the House to consider and vote on amendments that would have reduced the spending levels on the bill.

For example, my colleague Representative MARIO DIAZ-BALART of Florida came before the Rules Committee yesterday to request that the

committee allow the House to consider his amendment to cut the authorization of the bill from 5 years to 3 years. His amendment would have lowered the cost of the overall bill. It would also have given Congress the ability to come back in 3 years and determine if the legislation was achieving its intended purpose.

Perhaps if that amendment had been allowed, a number of Members like myself who are concerned about the uncontrolled spending of this majority could have voted for the bill. Instead, the majority in the Rules Committee decided that they would block consideration of the Mario Diaz-Balart amendment and also the Sessions amendment, amendments that sought to reduce the spending in the bill. Not only did they block the Diaz-Balart and Sessions amendments, they blocked out almost three-fourths of the Republican amendments submitted to the Rules Committee, while allowing nearly 90 percent of the Democrat amendments. So today we will consider four Republican amendments and 48 Democrat amendments. That's quite a contrast.

It's especially glaring when you consider that we were told that it would not be this way. The distinguished Speaker promised the American people that her party would run the most open and bipartisan Congress in history; yet week after week the majority continues to block an open process. We have yet to consider even one open rule during this entire Congress—not even on the historically open appropriations process. It is quite sad.

I reserve my time.

Mr. PERLMUTTER. Madam Speaker, I would like to respond to a couple of the things my friend from Florida said.

First, I'd remind him that at the end of the Clinton administration there was a budget that was balanced. There was, in fact, a surplus going forward; but under the Bush administration with tax cuts for the wealthiest, the prosecution of two wars without paying for them, and a financial sector in total disarray at the end of the Bush administration, the Obama administration inherited a \$1.3 trillion deficit.

But in moving forward with the actions taken by this Congress to stabilize the financial system and put people back to work, there's been a swing now from the last month of the Bush administration, where almost 800,000 jobs were lost, to a gain last month of 260,000, well over a million-job swing towards putting this country back on track. That will assist with revenues as the economy gets better. That deals with budget deficits.

My friend is right. We have to look at the spending that this country is engaging in, but we have got to put people back to work. This America COMPETES Act does that by building on our science foundation. We have, in this bill, endorsements and support from virtually every kind of company and association possible, from business

associations like the U.S. Chamber of Commerce, the National Association of Manufacturers, TechNet, et cetera, to various societies, the American Association for the Advancement of Science, university associations as well, and a whole host of businesses, because they know how important this bill is towards the investment that we're going to make in the future for this country. But it's jobs today.

With that, I would like to yield 2 minutes to my friend from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Speaker, I can't think of a better time than now to invest in America's can-do spirit. I would like to thank our chairman, BART GORDON, for his years of devotion working to ensure that America is prepared to compete globally.

America has been at the forefront of every technological innovation of the last century, and most of our jobs since World War II have been created by new technology and innovation. I believe we can continue to lead the world in innovation and technology, and my constituency in St. Louis, Missouri, can play a major role in that effort.

Earlier this morning, I spoke with Missourians closely watching our progress on this landmark innovation jobs bill, America COMPETES, including Washington University in St. Louis and the University of Missouri. Because of America COMPETES, these two great universities will be able to work locally with teachers to spark interest in math and science for future generations, as well as to continue research looking into the next breakthrough technologies.

Today, I also heard from Chuck Gerding of Gerding Enterprises, a small specialty manufacturer from Dittmer, Missouri, who has been assisted by the Missouri Enterprise Program that helps small- and medium-sized manufacturers. America COMPETES would strengthen the Missouri Enterprise Program, helping manufacturers compete in the global economy and hire more workers.

The section of this bill I am particularly proud of will strengthen regional economies through Energy Innovation Hubs to help advance the U.S. transition to a clean energy economy and to support the growth of new sectors of the economy and jobs that come with them. In order for the U.S. to remain competitive, we need to invest in the technologies now that will create jobs immediately and make our economy stronger for the long term.

The America COMPETES Act will strengthen how America competes and empower American innovation.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I want to thank my friend, Mr. PERLMUTTER, for reminding us of the Clinton years.

I was elected to Congress when President Clinton was elected President. Two years later, we, the Republicans, captured the majority here in the Congress, and I remember how we had to

fight tooth and nail to balance the budget. President Clinton never submitted a budget with a deficit less than \$200 billion a year. I remember ad infinitum his budgets at least had \$200 billion of deficits. It used to be, Madam Speaker, that \$200 billion was a lot of money for a deficit. And I remember how this Congress had to fight day in and day out, and we finally achieved, in very arduous negotiations with the executive, a balanced budget. So that's the record.

I would like, at this point, to yield such time as he may consume to the distinguished ranking member of the Rules Committee from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

I rise in strong opposition to this rule and in strong support of Muftiah McCartin. And I'd like to begin by outlining my opposition to the rule, and then I'm going to take some time to talk about my support of Muftiah McCartin.

Madam Speaker, my friend from Miami is absolutely right when he focuses on the need and the importance for us to be fiscally responsible. My friend from Colorado has made the same argument: Everyone around here regularly decries wasteful Federal spending.

Now, this bill is extraordinarily well-intentioned, and as I said in the Rules Committee yesterday, I've been a strong supporter of the STEM concept. Science, technology, engineering, and math are very high priorities. If we, as a nation, are going to remain competitive in this global economy, it is absolutely imperative that we do all that we can to focus on STEM education.

The concern with this measure is the fact that it's \$22 billion over the baseline, going up to \$86 billion. I was asked in the Rules Committee hearing yesterday by the chairman of the Science Committee what level I believe to be appropriate as we focus on STEM education, and that area would be at least at that baseline level, which would take the \$86 billion in funding and bring it down to what would be \$64 billion. That would be a more acceptable level. Why? Because, while we know how important this is, we also know that if we don't focus on our spending that has been going on for so many years under both political parties, we're not going to be able to compete globally at all.

Now, there are other concerns about this measure. I have just obviously been talking about the amendment that the manager on this side's brother—he simply described him as his “colleague.” He also happens to be his brother, MARIO DIAZ-BALART, who very thoughtfully came before the Rules Committee, and that amendment was not made in order.

Mr. BILBRAY, sitting behind me, has an amendment focusing on the very important issue of ensuring that people who work in this country are here legally.

And, of course, the very, very, very important issue that the ranking member of this committee, RALPH HALL, brought before the Rules Committee. By unanimous vote in the Committee on Science and Technology, they incorporated language to ensure that there would be a prioritization of those 59,700 disabled veterans who want to have an opportunity to participate in the STEM program at the undergraduate level and 8,700 who want to have the opportunity to participate at the postgraduate level. That was agreed on by the committee, but, unfortunately, when the measure got before the Rules Committee, it was stricken. As Mr. HALL has described to me, some very, very watered-down version which does undermine the ability of our Nation's disabled veterans to be able to take advantage of this program the way they should is, in fact, denied.

And so the fact that these measures are not made in order, Madam Speaker, I am a strong opponent of this rule because I believe that we can do better. And as Mr. DIAZ-BALART said, having an open amendment process—which we have not had in this entire Congress—should have been the model for this bill in light of the fact that it has, in the past, been reported out under suspension of the rules.

Now, having spoken about my opposition to the rule itself, Madam Speaker, I'd like to speak briefly about my support for Muftiah McCartin.

□ 1315

Madam Speaker, in 1976, she was obviously a child, and this institution was probably violating child labor laws when Muftiah McCartin came to work as a clerk in the Parliamentarian's Office. That is 34 years ago. In that 34-year period of time, she has had an amazing career which has been, from my perspective, capped by her service as the majority staff director of the House Rules Committee.

She was the first woman named as a parliamentarian back in 1991, and she has worked for both Republicans and Democrats on the House Appropriations Committee, and her work there was very important. As I said, the fact that she has come to the House Rules Committee is a very appropriate spot for her.

When she began her work, she pursued both her undergraduate and law degrees when she began in the 1970s, and has been able to utilize those skills extraordinarily well.

Madam Speaker, we are very sorry that she will be leaving us. In fact, unless there is a massive disruption in the operations of this institution through the week, this will be the last rule that will be considered on the House floor during her period of time. I do know that her husband, Terry, her four children, and her new grandchild will anxiously look forward to spending more time with her.

The Rules Committee, as we all know, Madam Speaker, tends to be a

rough and tumble place, and Muftiah has had an extraordinarily good and close working relationship with those of us in the minority. When I had the privilege of being chairman of the Rules Committee, we worked extraordinarily closely with her in her role in the Parliamentarian's Office. And I know that things may still be rough and tumble within her family; it will certainly be a great joy for all of her family members to have her back. And so, Madam Speaker, I would like to extend congratulations to Muftiah McCartin for her extraordinary 34 years of service to this institution. And I know that her family is the only thing that she loves more than this place, which we all respect and love so much.

Mr. PERLMUTTER. Madam Speaker, I thank my friend from California for his remarks regarding Muftiah.

I now yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank my colleague from Colorado for yielding me the time.

Madam Speaker, I rise in strong support of the rule for the America COMPETES Act, and more importantly, I also rise in strong support and to pay tribute to the staff director of the Rules Committee, Muftiah McCartin, as she finishes up her last week here in the House of Representatives and prepares to move on to a new phase in her life.

Madam Speaker, Muftiah is an amazing woman. She has worked in this body for 34 years, first in the Office of the Parliamentarian, then for the Appropriations Committee, and finally on the Rules Committee. She leaves as the top staffer on the Rules Committee, someone who not only made the trains run on time, but also someone who definitely worked through the dicey political and policy issues that the Rules Committee is required to work through.

Muftiah will be missed here in the House, but I can honestly say this body is better because of her hard work over the past 34 years. Over that time she has shown dedication and passion for this institution. Whether it was advising the presiding officer as parliamentarian, or working for Congressman OBEY and Chairwoman SLAUGHTER, Muftiah excelled at her job and helped us do our jobs better. But what we will miss most is the way Muftiah brings everyone together. She unified the Rules professional and associate staff. She made sure we, as Members of Congress, were prepared and ready to do the business at hand. But she also worked as both a mentor to her staff and to the associate staff. I can honestly say that I and my staff do our jobs better today because of Muftiah and the leadership that she has provided over the past few years in the Rules Committee.

And while she has spent the last three decades here in the House, she

also has a life outside of this Chamber. She has a wonderful husband, Terry, four children, Marissa, Elaine, Sandra, and Luke. And she just became a grandmother for the first time, a young grandson named Thaddeus.

Madam Speaker, I was a staffer before I was elected to Congress, although I have to say that I started working here a few years after Muftiah started her career on the Hill. But I understand the role the staff play here, and I know this institution would not be the great body it is without the dedicated staff that puts so much of their lives into what we all do here. Muftiah embodies that dedication, and we are going to miss her.

Let me say, Madam Speaker, in conclusion, to Muftiah, I want to thank you for all the incredible work that you have done here. You will be missed, and we love you.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we have great differences, great disagreements often here on the floor of this House. Rare is the occasion when there is no debate, when there are no differences.

Muftiah McCartin enjoys the admiration of all Members on both sides of the aisle who have worked with her. She personifies the best of this institution. She personifies competence, professionalism, and courtesy. And as someone who has had the privilege of working with her, I thank her for her service and commend her for her professionalism, competence, and that courtesy.

So the best to you, Muftiah, and your family as you move on to other endeavors. You are an example of the wonderful men and women who have through the years made possible what this Congress gets accomplished. And so I join all of my colleagues in wishing Muftiah the best.

I yield 3 minutes to my distinguished friend and colleague from Georgia, Dr. BROWN.

Mr. BROWN of Georgia. Madam Speaker, I rise today in strong opposition to this rule.

I applaud the fact that 54 amendments were made in order, which is the most amendments that the Democratic leadership have allowed in a long time, maybe ever since they have been in control of this House of Representatives in the 110th Congress.

I am pleased that one of my amendments to remove some new programs that are in this bill will be debated later on this afternoon. However, at a time when our deficits are projected to remain above \$1 trillion for the foreseeable future, I can't understand why two of my other very important amendments dealing with fiscal responsibility were ruled out of order.

My first amendment would have simply changed the authorization level to 3 years from 5 years, and would have frozen spending to this year's levels, and it would save over \$45 billion of taxpayers' money. The 2007 COMPETES bill was originally a 3-year authorization. In these tough economic

times, why are we expanding yet another Federal program?

My second amendment would have streamlined the overall COMPETES program by removing all of the newly created programs. Again, in these tough economic times, we can't do everything that we want to do. So we need to prioritize our resources while ensuring basic research in science.

Many of the new programs are duplicative of other existing programs. For example, the loan guarantees are similar to the Small Business Administration's loan guarantee program for which manufacturers are eligible. Also, the HUD program appears to be redundant with existing Department of Energy activities. These are only two examples of duplicative programs that are in this bill.

Expanding the size and cost of this reauthorization while creating duplicative programs is not what the American people want and certainly not what they need. American families and American small businesses have been forced to make difficult spending decisions. Shouldn't the Federal Government do the same? We need to stop spending money that we do not have on new programs that further increase our ever-expanding debt.

Madam Speaker, our children and grandchildren are dependent upon us being fiscally responsible. This rule and this bill is not fiscally responsible. I urge my colleagues to reject this rule so that sensible amendments, like the two that I have discussed and others that Mr. DIAZ-BALART discussed, can be included in this important debate.

Mr. PERLMUTTER. Madam Speaker, I say to my good friend, Congressman BROUN, that he has forgotten that this bill satisfies the PAYGO rules which CBO has scored at zero, so that there is not an increase, a rule that my friends on the Republican side of the aisle eliminated, which helped drive up the debt of this country.

And I would just say to my friend, the investments that are being made in science and technology and in the education of scientists and engineers and mathematicians is the kind of investment for the long-term health of this country that has to be made right now.

I yield to my friend from California (Ms. MATSUI) 2 minutes.

Ms. MATSUI. I thank the gentleman from Colorado for yielding me time.

Madam Speaker, I rise today in support of the rule and the underlying legislation.

Investing in research and STEM education will help our country take the lead in scientific, technological, and economic advancements. This bill will also assist my hometown of Sacramento, where we are positioned to become a leader in the clean technology sector. That is why I am pleased that Chairman GORDON has pledged to support two smart grid-related amendments that I plan to offer to the bill.

My first amendment will ensure that new smart grid technologies are an im-

portant part of the Department of Energy's research and development. My second amendment will ensure that smart grid technologies are included in the list of research and development activities undertaken by the Department of Energy innovation hubs. Both of these amendments will be extremely valuable to Sacramento's continued leadership in the field of smart grid technologies.

Now, Madam Speaker, I just want to take a moment to recognize the departing staff director of the Rules Committee. Muftiah McCartin, Muf, affectionately known, has steered the Rules Committee through a challenging period, and she has done so with skill and grace. We all know that the Rules Committee can sometimes be a very contentious place. I know I speak for my staff and for my colleagues when I say that Muftiah will be sorely missed on the Rules Committee. We all wish her the very best in her new position. And thank you for your very hard work, Muftiah, and your dedication. And enjoy the next chapter of your life.

Mr. LINCOLN DIAZ-BALART. Madam Speaker, I yield 3 minutes to my friend from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, as a member of the committee of jurisdiction, I have been trying to work in a bipartisan effort with this bill. I want to support this bill even though it has an \$85.6 billion price tag. But sadly, the fact is that, just trying to do some of those little things that the American people want us to move forward, commonsense things, like making sure that the \$85.6 billion, that no portion of that is going in to financing illegal behavior such as illegal employment, sadly, the Rules Committee has said we don't have time to bother with assuring the American people that their money is not going to be spent in the commission of a crime of illegal employment.

It is bad enough, Madam Speaker, that we have a bill that does not specifically require anyone who gets Federal funds or Federal grant guarantees to do the thing that you and I do as Members of Congress, the Federal Government does, that every contractor does since President Obama has mandated; this bill doesn't require that the recipients of Federal funds under this program have to make sure they check the employment status of somebody before they start paying them with Federal funds. Commonsense.

But what is worse than that, Madam Speaker, is the Rules Committee has denied both sides of the aisle the ability to vote on this issue. The Rules Committee has denied us the ability, as Republicans and Democrats and Independents, to go on record with the American people and say, look, we want to make sure that your money is not spent for illegal activities such as illegal employment.

I tried to work across the aisle on this issue. I have worked with Chair-

man GORDON on this issue. All we asked was the common decency to give Democrats and Republicans the ability to go on record and do a little thing that the American people have been demanding for much too long, and that is, when you spend money, even if it is more than we want, make sure that you are not financing the violation of Federal law. That is all I asked. But the Rules Committee couldn't find the decency to allow a bipartisan vote on something that is so commonsense, so common decency, as to make sure that we keep our promise to the American people, that we uphold the Constitution, and make sure that our Federal funds are not engaged in illegal activity.

□ 1330

Madam Speaker, sadly, that is where I am today. I like a lot of this bill. But if you ask me to go back to San Diego and face off my constituents—right, left, Republican, Democrat—how can I look at them with a straight face and say, I've done everything I can to make sure your money is spent appropriately and legally. Sadly, this rule does not require that little bit of common decency of making sure the constituency gets legal expenditure of their \$85.6 billion. That's the price tag of not being bipartisan leadership.

Mr. PERLMUTTER. Madam Speaker, I would say to the gentleman from California, it is common sense. The Rules Committee understands that Federal funds can only be used for legal purposes. That must be in the statutes 550 times. So he just wants to have a little more redundancy in the law.

With that, I would like to yield 3 minutes to my friend from Colorado (Mr. POLIS).

Mr. POLIS. Madam Speaker, I thank my colleague from Colorado.

Madam Speaker, I rise today in support of H.R. 5116, the America COMPETES Reauthorization Act of 2010. I commend Chairman GORDON on his hard work and his leadership on this important legislation. This bill is the product of our Nation's understanding that economic prosperity and international competitiveness is the result of American innovation and forward thinking. I'd also like to address the comments made by my colleague from California, as well. As the gentleman from California is aware, there is in fact widespread violation of Federal laws that are out of touch with reality with regard to immigration. We don't know who is here, what they're doing, where they are going. The America COMPETES Act, of course, is not the proper legislative vehicle for addressing that, but I do encourage my colleague from California to join me and many others in sponsoring comprehensive immigration reform, which will ensure, going forward, no one works in this country illegally and that we have a way of tracking who is here and enforcing the rule of law across this Nation.

I want to take this opportunity to thank Muftiah McCartin of our Rules Committee. She is our Rules Committee staff director—the only Rules Committee staff director that I have known in my time in Congress who, as you know, is leaving us. On many occasions, Muftiah has trekked to the fifth floor of Cannon, where my office is, and advised my staff and me on important issues and parliamentary procedures and asked us our questions and concerns and addressed them promptly. Of course, when I found out today in these remarks that she had been here 34 years, I began to think it was a different Muftiah than the one I know that is retiring. I find it hard to believe that our Muftiah McCartin has worked in this wonderful building for 34 years. Perhaps that time is calculated because she frequently works until midnight, or even until 3 in the morning. I have borne witness to that. Perhaps for every year she works, it's counted as 2 years time in, because that's the only logical explanation that I was able to figure out for how she could have possibly worked in this body for 34 years and is moving on to other opportunities.

Her dedication to this body, this institution, this committee, both in her current job and previous jobs, is something that I hope we all strive to emulate with our accomplishments on committee and the House floor, which are really a great testimony to her commitment of many years. As a freshman member of the Rules Committee, she's repeatedly assisted me and our colleagues on the sometimes Byzantine legislative processes and has worked tirelessly to ensure that our Members and districts have been able to walk away with success.

Thank you, Muftiah, for your service. You will be sorely missed.

Mr. PERLMUTTER. Madam Speaker, I would ask how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Colorado has 13½ minutes remaining. The gentleman from Florida has 8½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would yield 2 minutes to my friend from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend and colleague on the Rules Committee for yielding the time.

Madam Speaker, I rise today in support of this rule and the underlying legislation. But I would also like to take a brief moment to bid a fond farewell to Muftiah McCartin, the staff director of the Committee on Rules. We've heard that she's done this for 34 years. I came in contact with her first when she was with the Office of the Parliamentarian. She was as diligent then and hardworking as she has been with us. Muftiah has been an asset to this body and it is better for her having

served here as a staff member of the Rules Committee.

I've personally, as you've heard my other colleagues say, relied on her more times than I can count. And I do need to say that I'm speaking for Fred, David, Alex, Lale, and the entire staff in my office. She combines a vast knowledge of congressional procedures with an unflappable patience, putting both Members and staff alike at ease when approached about complicated legislative matters, even during the most politically heated moments.

More admirable than her remarkable career in the House, however, is her incredible devotion to her family. While spending seemingly countless hours at work, she's also managed to raise, with her husband Terry, four beautiful children—Marissa, Elaine, Sandra, and Luke—and is now a grandmother as well. I remember when she was at the Parliamentarian's Office when she was carrying one of those children. I didn't know how she was able to do it.

After her years of service to the Rules Committee and to the House of Representatives, Muftiah is leaving us to embark on the next chapter of her professional career. You're going to be missed, Muf, but I—and I'm sure all of my colleagues—wish you much happiness and success in your future endeavors, and my great hope is that you will continue to flourish.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to now yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Madam Speaker, I thank the gentleman from Colorado for his leadership on the America COMPETES Act. I rise in strong support of the rule and the America COMPETES Act itself. I believe it will play an integral role in creating jobs and turning our economy around. I also rise in support of an amendment which I introduced, which has been made in order under the rule, to instruct the director of the Hollings Manufacturing Extension Partnership to evaluate challenges that are unique to small manufacturers and facilitate improved communication between the MEP centers so they can readily share with one another which solutions best address particular problems faced by small firms, which really are the bulk of the types of manufacturing businesses in my district in Florida.

In my meetings with many of the manufacturers in Palm Beach and Broward Counties in Florida, as well as the South Florida Manufacturing Association, I've been told that while MEP services are helpful for some businesses, they often have greater expertise in developing business solutions for medium- to large-sized businesses. Small manufacturers, such as Uniworld, which is in Fort Lauderdale, a family-owned business which has been run by a World War II veteran and his two

sons for many years, make up a large sector of the manufacturing firms in Florida, and as a result, they are critical to our industrial and technological competitiveness. In these challenging times, small manufacturers in my home State have faced many obstacles, financing being one of them, but many of the support services by the MEPs can truly make a difference to our small manufacturers as well.

While basic research investment is important to advancing our Nation's innovation infrastructure, we must build and sustain a strong manufacturing base in the United States which will bridge the gap between research and commercial development of new technologies. That's where these small manufacturing businesses and the MEPs together can accomplish that goal. Under my amendment, we will be able to provide increased assistance to reduce manufacturing costs and increase productivity, thereby allowing our small manufacturing base businesses to significantly improve their bottom line.

I thank the gentleman for yielding the time, and urge a "yes" vote on this amendment and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would just reiterate what Mr. KLEIN from Florida was saying about the purpose and the need for this bill at this time in this legislation. The America COMPETES Act is about moving this country forward, making sure that for the next 20 years we continue to have a strong science and engineering and technological future for the country. The bill, as we said, provides all sorts of funding to the National Science Foundation, to NIST, to NOAA, and to the Department of Energy, so that we can do research in a whole variety of ways across this country through our universities and other kinds of facilities and institutions of higher learning.

Now I guess I'd like to speak on behalf of Muftiah—or speak to Muftiah. Many people have presented a lot of accolades that I can't top. But what I can say is, as a new member to the Rules Committee, that we have had some very contentious, rough and tumble bills, to use a couple of the terms Mr. DREIER used, Ms. MATSUI, but we can look to Muftiah—I can look to Muftiah—to give good advice and to bring a calming influence to the committee and certainly to me as we were going through the whole list of parliamentary procedures—what's in order, what's not in order, why is it in order. She has stood out as somebody who really knows the rules, understands the policy, and is willing to work with both sides of the aisle and with all the members certainly on the Democratic side of the Rules Committee to make sure we do the best job that we can do. I thought I brought a lot of experience from the practice of law, having served also in the legislature in Colorado. But the rules and the

approach that's taken in the Congress, there are many more layers and many more things that have to be understood.

I would say to you, Muftiah, you are a heck of an adviser. You are a great teacher. I just wish you the best, as I know all the other members of the Rules Committee and the Members of the House just wish you the best in whatever you do, whether it's practicing law or raising your family or just enjoying life, because we put in a lot of hours. Thank you very much.

With that, I would like to yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. Before I begin my remarks on the legislation before us today, I want to join my colleagues in saluting the wonderful work of Muftiah McCartin. She began her work on the Hill—it couldn't be 1976. I can't believe that. She has worked on the Appropriations Committee and is now leaving her tenure as staff director on the Rules Committee.

We all know that she loves this institution. She has poured her heart and soul into her work. We were all so proud when she became the staff director of the Rules Committee. Her policy and technical expertise have served both sides of the aisle over many years. She is a mother of four children. It's hard to imagine she is now a grandmother. We have been blessed with her service over many, many years. She will be sorely missed.

Muftiah, thank you very much for all that you have done. This is coming as news to me, by the way, so I'm quite taken aback by the fact that you're leaving us. But thank you for your service. I wish you well in the future. We have been very blessed by your service. Congratulations on where you're going next.

Madam Speaker, 10 years ago, President Kennedy summed up America's commitment to innovation when he launched the "man on the Moon initiative" to send a man to the Moon and back—in those days, they said a man—but a man to the Moon and back safely in 10 years. At that time, he said, "The vows of this Nation can be fulfilled only if we are first, and therefore, we intend to be first. Our leadership in science and industry, our hopes for peace and security, our obligations to ourselves as well as others, all require us to make this effort."

□ 1345

Over the past half century since then, Americans have lived up to these words. Science and technological innovation have formed the backbone of our progress as a people and our prosperity as a Nation. And today in passing this innovation bill, this COMPETES Act, we are reaffirming our leadership in science and in industry, and we are keeping America first.

Few have done more for the cause of innovation in the Congress than Chair-

man BART GORDON, and I'm sorry he is not on the floor yet—he will be momentarily to manage this bill—who was first in sounding the alarm and heeding the call of the report, "Rising Above the Gathering Storm." That was a report presented by a great innovation leader, Norm Augustine, and the National Academy of Sciences. It provoked us to send a team of Members, legislators around the country.

Congresswoman ANNA ESHOO and Congresswoman ZOE LOFGREN from the Silicon Valley invited Chairman GEORGE MILLER, chairman of the Democratic Policy Committee and the Education and Labor Committee, to a meeting at Stanford University to launch a series of meetings in a bipartisan way to develop an innovation agenda.

We met, of course, with academics. We met with workers. We met with venture capitalists to see where the private dollar would go because we believed that this had to be a market-oriented initiative to build the competitiveness of America. We met with every aspect of putting together an innovation agenda, and we met all across the country to do that. We had particularly strong presentations from members of the Asian American community who were quite impatient with the lack of progress that was happening in terms of public policy, and that accelerated the pace of our time table for this.

So what came from that was the COMPETES Act that Chairman BART GORDON was instrumental in bringing to the floor in 2007. We had strong bipartisan support in passing that legislation, I am pleased to say. And again, we are here today to reauthorize the COMPETES Act, to spur innovation, invest in cutting-edge research, modernize manufacturing, and increase opportunity. And I thank you for your remarks, Mr. PERLMUTTER, and your leadership on this subject as well.

As a result, new industries will provide good jobs for our workers, markets for American products will expand, we will reassert our leadership throughout the world and give future generations a better chance to realize the American Dream. It's about jobs, jobs, jobs, jobs.

Simply put, this legislation supports our efforts to keep America number one, following President Kennedy's lead to keep America first and following the call of President Obama at his inauguration for swift, bold action now to do just that. The COMPETES Act will keep our Nation on the path that we promised, to double the funding for the scientific research over 10 years, create jobs with innovation technology loan guarantees for small- and medium-sized manufacturers and enhanced manufacturing extension partnerships—these MEPs are a very valuable tool for job creation, promote regional innovation clusters—this is new—that strengthen regional economies and expand scientific collabora-

tion, and invest in high-risk/high-reward research through ARPA-E—again, this is a major initiative of Mr. GORDON—helping ensure American energy independence.

Since we know that innovation begins in the classroom, I want to commend Mr. MILLER for yielding to Chairman GORDON because we didn't want this bill held up by one jurisdiction or another of committee, and Mr. GORDON has carried that principle that innovation begins in the classroom, and we have those considerations in the bill. This bill will help raise up the next generation of entrepreneurs by improving science, math, technology and engineering education at all levels. It will also train young people to think in an entrepreneurial way and will secure a central role for women and minorities in these fields.

As we go forward with this innovation—we had the industrial revolution, we had the technological revolution, and now we have this revolution—we want to do so in a way that brings everyone into the fullest participation in the new prosperity of America and will strengthen and diversify our workforce as, again, we create jobs, jobs, jobs, and jobs.

In this Congress, in addition to jobs, jobs, jobs, jobs, which is a four-letter word we use all the time, there are four words that describe our agenda. They are: science, science, science and science. Science to provide health care for all Americans. And in our health care bill that we passed and in the Recovery Act of last year, we have major investments in science and technology to make America healthier; science to keep America number one in innovation. In the new technologies to protect the environment and the rest, we have to be competitive. Science and technology will take us there; science to keep our air clean and our water clean for our children and the safety of the environment in which they live; and science to promote our national security by reducing our dependence on foreign oil and to advance the technologies to keep us preeminent in terms of our country's defense.

This bill comes down to good-paying jobs for Americans, strong American leadership in the global economy and long-term growth for America's workers and families. It does so in a way that doesn't just put people back to work as we are trying to address the need for more jobs. It puts them back to work in better jobs. It puts more people to work, some who have been unemployed no matter how well educated they are or how economically deprived their areas have been. Some of this is really ground floor, ground floor. We're bringing women, minorities, people from urban areas and rural areas, again, people with a wide range of educational backgrounds but with a prospect for great success.

So with this, we are not just solidifying the disparities in our economy. We are opening up avenues for, again,

everyone to participate in the prosperity for our country.

With that, Madam Speaker, I urge all of our colleagues to make a very strong bipartisan vote for jobs, for science, and to keep America number one by voting for the COMPETES Act.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding. I rise in strong support of the rule on the COMPETES Act, and I will speak later on the bill itself.

But I rise to pay tribute to Muftiah McCartin. Muftiah is a good friend of mine, so I want you to take this as a totally subjective analysis. I don't pretend to be objective. I think Muftiah McCartin is one of the most able people with whom I have worked during the 30 years I have been here. Muftiah came here when she was just a child 35 years ago and has served this institution extraordinarily well during that period of time. She served the Parliamentarians that I have served with myself, Bill Brown and Charlie Johnson and John Sullivan, and she did so with extraordinary skill.

Our Parliamentarian's Office, for those who have the opportunity to watch us, are the truest nonpartisan, bipartisan people that we have in this institution, who give both sides advice and counsel as to how to conform to the rules and how to conduct business in the most appropriate fashion. Muftiah McCartin was a giant in that service. She cares deeply about this institution and all its Members, not from a partisan sense but from an institutional sense. She has served the American people extraordinarily well, and what an example of success she is.

She came here shortly after high school, working here, and went to night school to get her undergraduate degree and completed her law degree in night school. She showed the same tenacity that warranted the private sector wanting her to come and be with them. Her service to this institution cannot be calculated in any kind of numbers of years served. Her service to this institution is measured by the commitment she made to each and every one of us and to this institution.

Perhaps Terry, her husband, and her four children—her three girls and Luke—will have more time now with Muftiah because she was with us around the clock sometimes. When I first came here, we didn't have a rule that said you have to end at 12 o'clock. When I first came here in the early eighties, as Mr. RANGEL will recall and Muftiah I know will recall, we sometimes went until 3 o'clock, 4 o'clock or 5 o'clock in the morning. They went home quickly and then came right back here to open the session at 9 o'clock or 10 o'clock, and of course they had to be here an hour or so earlier than that.

Muftiah, we cannot possibly—if I took an hour, which I could take with my 1 minute as majority leader—but if I took that hour or if I took multiple hours, I could not express the depths of our gratitude to you or the respect we have for the professionalism that you have demonstrated in the performance of your duties and the extraordinary affection we have for you as our friend, as our colleague. And we wish you the very, very best of success in the years ahead. God bless you, and thank you.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend, Mr. PERLMUTTER, for his courtesy and for his management on the majority side of this rule.

While reiterating that I am so pleased that Members on both sides of the aisle have joined to commend and wish the best to Muftiah McCartin, with regard to the legislation that we are bringing to the floor with this rule, I would say, Mr. Speaker, while not minimizing its importance because I think it's obviously dealing with a very important set of subjects that enjoy bipartisan support in this Congress, I would bring to the attention once again of all Members what we saw last week with legislation on—I believe it was a \$6 billion tax credit to allow—I remember it was a credit for home refurbishings, brought to the floor by my good friend Mr. WELCH. And I noticed at that time a—I think it was a change in attitude.

I was impressed. I was certainly impacted by what I perceived as a change in the Congress on what normally I think would have faced little opposition. Certainly it would have been expected that that legislation would have faced little opposition. We saw—what I saw, what I perceived was a ground swell of concern on the spending. You know, refurbishing one's home and encouraging citizens to refurbish their homes to keep them energy efficient, you know, that's not something that in itself would have opposition. It was the spending that touched a nerve because of the moment we're living. And so with the legislation that we bring to the floor today that is being increased from the basic spending by about \$20 billion, I certainly would not be surprised if we see a similar nerve being touched. That doesn't mean that the subject is not of great importance.

□ 1400

Science, education, keeping the U.S. leading edge, cutting edge in so many ways, that is obviously something that has enjoyed bipartisan support, and it should. But I think the majority is failing to sense that moment that the Nation at large and the Congress now is finally manifesting or reacting to. There is concern about the path we are on with regard to spending.

Having said that, I again thank Mr. PERLMUTTER for his courtesy and management of this rule, as well as thanking all who have participated in this debate today.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I thank my friend for his courtesy in how he debates these bills, debates the rules; I just appreciate that. But he and I differ very much on the passage of this rule. This rule and this bill should be passed.

In listening to some of my friends on the Republican side of the aisle who are wanting to draw back, wanting to draw down at a time when America must really move forward, must look to its long-term future and towards its prosperity and its ability to compete in the world, this is the rule and this is the bill that moves us forward, with its investments in science and technology and math and engineering. Those are very key things.

It reminds me of those who would have asked Abraham Lincoln to stop building the dome and rebuilding this Capitol during the Civil War because of its costs and the country should look towards the Civil War and worry about that. Legitimate concerns, but President Lincoln said: No, this country is going to succeed. Its long-term prosperity is going to occur, and I am going to keep moving forward with the construction of the dome of the Capitol. I'm not going to back off.

We in this country, Americans, look forward. We are a forward-looking people. We believe in our future, and there is no place like continuing to build our abilities in science, technology, math, and engineering. That is the place where we have to start putting our investments. It is jobs today, and it is long-term investment in the prosperity and success of this country.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House Resolution 1344 will be followed by 5-minute votes on suspending the rules with regard to H.R. 5014 and House Concurrent Resolution 268.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 10, as follows:

[Roll No. 259]

YEAS—243

| | | |
|------------|---------|-------------|
| Ackerman | Baldwin | Bishop (GA) |
| Adler (NJ) | Barrow | Bishop (NY) |
| Altmire | Bean | Blumenauer |
| Andrews | Becerra | Boccheri |
| Arcuri | Berkley | Boren |
| Baca | Berman | Boswell |
| Baird | Berry | Boucher |

| | | | | | | | | |
|----------------|------------------|------------------|--------------------|---------------|---------------|--------------------|-----------------|-----------------|
| Boyd | Hirono | Pastor (AZ) | Goodlatte | Mack | Rohrabacher | Bonner | Frank (MA) | Luetkemeyer |
| Brady (PA) | Hodes | Payne | Granger | Manzullo | Rooney | Bono Mack | Franks (AZ) | Lujan |
| Braley (IA) | Holden | Perlmutter | Graves | Marchant | Ros-Lehtinen | Boozman | Frelinghuysen | Lummis |
| Brown, Corrine | Holt | Perriello | Griffith | McCarthy (CA) | Roskam | Boren | Fudge | Lungren, Daniel |
| Butterfield | Honda | Peters | Guthrie | McCaul | Royce | Boswell | Gallegly | E. |
| Capps | Hoyer | Peterson | Hall (TX) | McClintock | Ryan (WI) | Boucher | Garamendi | Lynch |
| Capuano | Inslee | Pingree (ME) | Harper | McCotter | Scalise | Boustany | Garrett (NJ) | Mack |
| Cardoza | Israel | Polis (CO) | Hastings (WA) | McHenry | Schmidt | Boyd | Gerlach | Maffei |
| Carnahan | Jackson (IL) | Pomeroy | Heller | McKeon | Schock | Brady (PA) | Giffords | Maloney |
| Carson (IN) | Johnson (GA) | Price (NC) | Hensarling | McMorris | Sensenbrenner | Brady (TX) | Gingrey (GA) | Manzullo |
| Castor (FL) | Johnson, E. B. | Quigley | Herger | Rodgers | Sessions | Braley (IA) | Gohmert | Marchant |
| Chandler | Kagen | Rahall | Hill | Mica | Shadegg | Bright | Gonzalez | Markey (CO) |
| Childers | Kanjorski | Reyes | Hunter | Miller (FL) | Shimkus | Broun (GA) | Goodlatte | Markey (MA) |
| Chu | Kaptur | Richardson | Inglis | Miller (MI) | Shuler | Brown (SC) | Gordon (TN) | Marshall |
| Clarke | Kennedy | Rodriguez | Issa | Miller, Gary | Shuster | Brown, Corrine | Granger | Matheson |
| Clay | Kildee | Ross | Jenkins | Mitchell | Simpson | Brown-Waite, Ginny | Graves | Matsui |
| Cleaver | Kilpatrick (MI) | Rothman (NJ) | Johnson (IL) | Moran (KS) | Smith (NE) | Buchanan | Grayson | McCarthy (CA) |
| Clyburn | Kilroy | Roybal-Allard | Johnson, Sam | Murphy, Tim | Smith (NJ) | Burgess | Green, Al | McCarthy (NY) |
| Cohen | Kind | Ruppersberger | Jones | Myrick | Smith (TX) | Burton (IN) | Green, Gene | McCaul |
| Connolly (VA) | Kirkpatrick (AZ) | Rush | Jordan (OH) | Neugebauer | Stearns | Butterfield | Griffith | McClintock |
| Conyers | Kissell | Ryan (OH) | King (IA) | Nunes | Sullivan | Buyer | Grijalva | McCollum |
| Cooper | Klein (FL) | Salazar | King (NY) | Olson | Terry | Calvert | Guthrie | McCotter |
| Costa | Kosmas | Sánchez, Linda | Kingston | Paul | Thompson (PA) | Camp | Gutierrez | McDermott |
| Costello | Kratovil | T. | Kirk | Paulsen | Thornberry | Campbell | Hall (NY) | McGovern |
| Courtney | Kucinich | Sanchez, Loretta | Kline (MN) | Pence | Tiahrt | Cantor | Hall (TX) | McHenry |
| Crowley | Langevin | Sarbanes | Lamborn | Petri | Tiberi | Cao | Halvorson | McIntyre |
| Cuellar | Larsen (WA) | Schakowsky | Lance | Pitts | Turner | Capito | Hare | McKeon |
| Cummings | Larson (CT) | Schauer | Latham | Platts | Upton | Capps | Harman | McMahon |
| Dahlkemper | Lee (CA) | Schiff | LaTourette | Poe (TX) | Walden | Capuano | Harper | McMorris |
| Davis (CA) | Levin | Schrader | Latta | Posey | Westmoreland | Cardoza | Hastings (FL) | Rodgers |
| Davis (IL) | Lewis (GA) | Schwartz | Lee (NY) | Price (GA) | Whitfield | Carter | Hastings (WA) | McNerney |
| Davis (TN) | Lipinski | Scott (GA) | Lewis (CA) | Putnam | Wilson (SC) | Cassidy | Heinrich | Meek (FL) |
| DeFazio | Loeb sack | Scott (VA) | Linder | Radanovich | Wittman | Castle | Heller | Mica |
| DeGette | Lofgren, Zoe | Serrano | LoBiondo | Rehberg | Wolf | Castor (FL) | Hensarling | Michaud |
| DeLauro | Lowe y | Sestak | Lucas | Reichert | Wittman | Chaffetz | Herger | Miller (FL) |
| Deutch | Lujan | Shea-Porter | Luetkemeyer | Roe (TN) | Young (AK) | Chandler | Herseth Sandlin | Miller (MI) |
| Dicks | Maffei | Sherman | Lummis | Rogers (AL) | Young (FL) | Childers | Higgins | Miller (NC) |
| Dingell | Maloney | Sires | Lungren, Daniel E. | Rogers (KY) | | Chu | Hill | Miller, Gary |
| Doggett | Markey (CO) | Skelton | | | | Clarke | Himes | Miller, George |
| Doyle | Markey (MA) | Slaughter | | | | Clay | Hinchey | Minnick |
| Drie haus | Marshall | Smith (WA) | Barrett (SC) | Hoekstra | Rangel | Cleaver | Hinojosa | Mitchell |
| Edwards (MD) | Matheson | Snyder | Carney | Jackson Lee | Souder | Clyburn | Hirono | Mollohan |
| Edwards (TX) | Matsui | Space | Cole | (TX) | Wamp | Coble | Hodes | Moore (KS) |
| Ellison | McCarthy (NY) | Speier | Davis (AL) | Meeks (NY) | | Coffman (CO) | Holden | Moore (WI) |
| Ellsworth | McCollum | Spratt | | | | Cohen | Holt | Moran (KS) |
| Eshoo | McDermott | Stark | | | | Conaway | Honda | Moran (VA) |
| Etheridge | McGovern | Stupak | | | | Connolly (VA) | Hoyer | Murphy (CT) |
| Farr | McIntyre | Sutton | | | | Conyers | Hunter | Murphy (NY) |
| Fattah | McMahon | Tanner | | | | Costa | Inglis | Murphy, Patrick |
| Filner | Meek (FL) | Taylor | | | | Costello | Inslee | Murphy, Tim |
| Foster | Melancon | Teague | | | | Courtney | Israel | Myrick |
| Frank (MA) | Michaud | Thompson (CA) | | | | Crenshaw | Issa | Nadler (NY) |
| Fudge | Miller (NC) | Thompson (MS) | | | | Crowley | Jackson (IL) | Napolitano |
| Garamendi | Miller, George | Tierney | | | | Cuellar | Jenkins | Neal (MA) |
| Giffords | Minnick | Titus | | | | Culbertson | Johnson (GA) | Neugebauer |
| Gonzalez | Mollohan | Tonko | | | | Cummings | Johnson (IL) | Nunes |
| Gordon (TN) | Mollohan | Towns | | | | Dahlkemper | Johnson, E. B. | Nye |
| Grayson | Moore (KS) | Tsongas | | | | Davis (CA) | Johnson, Sam | Oberstar |
| Green, Al | | | | | | | | |

| | | |
|-------------------|---------------|--------------|
| Ros-Lehtinen | Sherman | Tierney |
| Roskam | Shimkus | Titus |
| Ross | Shuler | Tonko |
| Rothman (NJ) | Shuster | Towns |
| Roybal-Allard | Simpson | Turner |
| Royce | Sires | Upton |
| Ruppersberger | Skelton | Van Hollen |
| Rush | Slaughter | Velázquez |
| Ryan (OH) | Smith (NE) | Visclosky |
| Ryan (WI) | Smith (NJ) | Walden |
| Salazar | Smith (TX) | Walz |
| Sánchez, Linda T. | Smith (WA) | Wasserman |
| Sanchez, Loretta | Snyder | Schultz |
| Sarbanes | Space | Waters |
| Scalise | Speier | Watson |
| Schakowsky | Spratt | Watt |
| Schauer | Stark | Waxman |
| Schiff | Stearns | Weiner |
| Schmidt | Stupak | Welch |
| Schock | Sullivan | Westmoreland |
| Schrader | Sutton | Whitfield |
| Schwartz | Tanner | Wilson (OH) |
| Scott (GA) | Taylor | Wilson (SC) |
| Scott (VA) | Teague | Wittman |
| Sensenbrenner | Terry | Wolf |
| Serrano | Thompson (CA) | Woolsey |
| Sessions | Thompson (MS) | Wu |
| Sestak | Thompson (PA) | Yarmuth |
| Shadegg | Thornberry | Young (AK) |
| Shea-Porter | Tiahrt | Young (FL) |
| | Tiberi | |

NOT VOTING—13

| | | |
|--------------|-------------|---------|
| Barrett (SC) | Hoekstra | Putnam |
| Carnahan | Jackson Lee | Souder |
| Carney | (TX) | Tsongas |
| Cole | Meeks (NY) | Wamp |
| Davis (AL) | Melancon | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1439

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Madam Speaker, on rollcall No. 260, I was unavoidably detained. Had I been present, I would have voted "yea."

NATIONAL WOMEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 268, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 268.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 12, as follows:

[Roll No. 261]

YEAS—418

| | | |
|------------|----------|-------------|
| Ackerman | Arcuri | Barrow |
| Aderholt | Austria | Bartlett |
| Adler (NJ) | Baca | Barton (TX) |
| Akin | Bachmann | Bean |
| Alexander | Bachus | Becerra |
| Altmire | Baird | Berkley |
| Andrews | Baldwin | Berman |

| | | | | | |
|-----------------|------------------|--------------------|-------------------|---------------|---------------|
| Berry | Eshoo | Lee (NY) | Rahall | Schwartz | Thompson (MS) |
| Biggert | Etheridge | Levin | Rangel | Scott (GA) | Thompson (PA) |
| Bilbray | Fallin | Lewis (CA) | Rehberg | Scott (VA) | Thornberry |
| Bilirakis | Farr | Lewis (GA) | Reichert | Sensenbrenner | Tiahrt |
| Bishop (GA) | Fattah | Linder | Reyes | Serrano | Tiberi |
| Bishop (NY) | Filner | Lipinski | Richardson | Sessions | Tierney |
| Bishop (UT) | Flake | LoBiondo | Rodriguez | Sestak | Titus |
| Blackburn | Fleming | Loeb sack | Roe (TN) | Shadegg | Tonko |
| Blumenauer | Forbes | Lofgren, Zoe | Rogers (AL) | Shea-Porter | Towns |
| Blunt | Fortenberry | Lowey | Rogers (KY) | Sherman | Tsongas |
| Boccheri | Foster | Lucas | Rogers (MI) | Shimkus | Turner |
| Boehner | Fox | Luetkemeyer | Rohrabacher | Shuler | Upton |
| Bonner | Frank (MA) | Luján | Rooney | Shuster | Van Hollen |
| Bono Mack | Franks (AZ) | Lummis | Ros-Lehtinen | Simpson | Velázquez |
| Boozman | Frelinghuysen | Lungren, Daniel E. | Roskam | Sires | Visclosky |
| Boren | Fudge | Lynch | Ross | Skelton | Walden |
| Boswell | Gallegly | Mack | Rothman (NJ) | Slaughter | Walz |
| Boucher | Garamendi | Maffei | Roybal-Allard | Smith (NE) | Wasserman |
| Boustany | Garrett (NJ) | Maloney | Royce | Smith (NJ) | Schultz |
| Boyd | Gerlach | Manzullo | Ruppersberger | Smith (TX) | Waters |
| Brady (PA) | Giffords | Marchant | Rush | Smith (WA) | Watson |
| Brady (TX) | Gingrey (GA) | Markey (CO) | Ryan (OH) | Snyder | Watt |
| Braley (IA) | Gohmert | Markey (MA) | Ryan (WI) | Space | Waxman |
| Bright | Gonzalez | Marshall | Salazar | Speier | Weiner |
| Broun (GA) | Goodlatte | Matheson | Sánchez, Linda T. | Spratt | Welch |
| Brown (SC) | Gordon (TN) | Matsui | Sanchez, Loretta | Stark | Westmoreland |
| Brown, Corrine | Granger | McCarthy (CA) | Sarbanes | Stearns | Whitfield |
| Brown-Waite, | Graves | McCarthy (NY) | Scalise | Stupak | Wilson (OH) |
| Ginny | Grayson | McCauley | Schakowsky | Sullivan | Wilson (SC) |
| Buchanan | Green, Al | McClintock | Schauer | Sutton | Wittman |
| Burgess | Green, Gene | McCollum | Schiff | Tanner | Wolf |
| Burton (IN) | Griffith | McCotter | Schmidt | Taylor | Wu |
| Butterfield | Grijalva | McDermott | Schock | Teague | Yarmuth |
| Buyer | Guthrie | McGovern | Schrader | Terry | Young (AK) |
| Calvert | Gutierrez | McHenry | | Thompson (CA) | Young (FL) |
| Camp | Hall (NY) | McIntyre | | | |
| Campbell | Hall (TX) | McKeon | | | |
| Cantor | Halvorson | McMahon | | | |
| Cao | Hare | McMorris | | | |
| Capito | Harman | Rodgers | | | |
| Capps | Harper | McNerney | | | |
| Capuano | Hastings (FL) | Meek (FL) | | | |
| Cardoza | Hastings (WA) | Melancon | | | |
| Carnahan | Heinrich | Mica | | | |
| Carson (IN) | Heller | Michaud | | | |
| Carter | Hensarling | Miller (FL) | | | |
| Cassidy | Herger | Miller (MI) | | | |
| Castle | Herseth Sandlin | Miller (NC) | | | |
| Castor (FL) | Higgins | Miller, Gary | | | |
| Chaffetz | Hill | Miller, George | | | |
| Chandler | Himes | Minnick | | | |
| Childers | Hinche | Mitchell | | | |
| Chu | Hinojosa | Mollohan | | | |
| Clarke | Hirono | Moore (KS) | | | |
| Clay | Hodes | Moore (WI) | | | |
| Cleaver | Holden | Moran (KS) | | | |
| Clyburn | Holt | Moran (VA) | | | |
| Coble | Honda | Murphy (CT) | | | |
| Coffman (CO) | Hoyer | Murphy (NY) | | | |
| Cohen | Hunter | Murphy, Patrick | | | |
| Conaway | Inglis | Murphy, Tim | | | |
| Connolly (VA) | Inslee | Myrick | | | |
| Conyers | Israel | Nadler (NY) | | | |
| Cooper | Issa | Napolitano | | | |
| Costa | Jackson (IL) | Neal (MA) | | | |
| Costello | Jenkins | Neugebauer | | | |
| Courtney | Johnson (GA) | Nunes | | | |
| Crenshaw | Johnson (IL) | Nye | | | |
| Crowley | Johnson, E. B. | Oberstar | | | |
| Cuellar | Johnson, Sam | Obey | | | |
| Culberson | Jones | Olson | | | |
| Cummings | Jordan (OH) | Olver | | | |
| Dahlkemper | Kagen | Ortiz | | | |
| Davis (CA) | Kanjorski | Owens | | | |
| Davis (IL) | Kaptur | Pallone | | | |
| Davis (KY) | Kennedy | Pascarell | | | |
| Davis (TN) | Kildee | Pastor (AZ) | | | |
| DeFazio | Kilpatrick (MI) | Paul | | | |
| DeGette | Kilroy | Paulsen | | | |
| Delahunt | Kind | Payne | | | |
| DeLauro | King (NY) | Pence | | | |
| Dent | Kingston | Perlmutter | | | |
| Deutch | Kirk | Perriello | | | |
| Diaz-Balart, L. | Kirkpatrick (AZ) | Peters | | | |
| Diaz-Balart, M. | Kissell | Peterson | | | |
| Dicks | Klein (FL) | Petri | | | |
| Dingell | Kline (MN) | Pingree (ME) | | | |
| Doggett | Kosmas | Pitts | | | |
| Doyle | Kratovil | Platts | | | |
| Dreier | Kucinich | Poe (TX) | | | |
| Driehaus | Lamborn | Polis (CO) | | | |
| Duncan | Lance | Pomeroy | | | |
| Edwards (MD) | Langevin | Posey | | | |
| Edwards (TX) | Larsen (WA) | Price (GA) | | | |
| Ehlers | Larson (CT) | Price (NC) | | | |
| Ellison | Latham | Putnam | | | |
| Ellsworth | LaTourette | Quigley | | | |
| Emerson | Latta | Radanovich | | | |
| Engel | Lee (CA) | | | | |

NOT VOTING—12

| | | |
|---------------|-------------|---------|
| Barrett (SC) | Hoekstra | Souder |
| Carney | Jackson Lee | Wamp |
| Cole | (TX) | Woolsey |
| Davis (AL) | King (IA) | |
| Donnelly (IN) | Meeks (NY) | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left on this vote.

□ 1447

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WOOLSEY. Mr. Speaker, on May 12, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 261. Had I been present I would have voted: Rollcall No. 261. "Yes"—Supporting the goals and ideals of National Women's Health Week, and for other purposes.

□ 1445

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 5116, the America COMPETES Reauthorization Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1344 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5116.

□ 1450

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes, with Ms. NORTON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chair, I yield myself such time as I may consume.

On October 12, 2005, in response to a bipartisan request by the Science and Technology Committee and some of our colleagues in the Senate, the National Academies released the report "Rising Above the Gathering Storm." The distinguished panel, led by Norm Augustine, the former CEO of Lockheed Martin, and which also included Craig Barrett of Intel, the current Secretary of Energy, Steve Chu, and a cast of other distinguished academic and business leaders, painted a very dire picture. The report made clear that without action, the future was bleak for our children and grandchildren. This report was, without question, a call to arms.

The Science and Technology Committee, along with several committees in the Senate, moved forward by turning the "Gathering Storm" recommendation into legislative language. The final result was the enactment of the America COMPETES Act of 2007, with the bipartisan support of 365 Members. Moreover, with the leadership of Senators ALEXANDER and BINGAMAN and 69 Senate cosponsors, the Senate approved the conference report by unanimous consent. Now, after 3 years, we are back to work on reauthorizing the America COMPETES Act.

Since the enactment of America COMPETES, the Science and Technology Committee has held 48 hearings on areas addressed in the bill considered by the House today. Going through regular order, our subcommittee, in a bipartisan process, brought the full committee to a strong body of work. The bill was approved by the Science and Technology Committee on April 28, with a bipartisan vote of 29-8.

I want to thank all of the members of our committee for their work, and more importantly, their contribution to this bill.

Since I became chairman of the committee, it has been my goal for this to

be a committee of good ideas and consensus. But more importantly, I have wanted an inclusive process that encouraged members on all sides to bring forward ideas and to discuss them.

I am proud of the process that we've used in bringing this bill to the House, and I believe this is a better bill today because of the hard work of our members. So I thank them for their efforts.

I would also like to thank the majority and minority staffs for the many hours of thoughtful work they have committed to this bill.

Many significant pieces of legislation come before this House. We all know that. But, honestly, I feel strongly that this bill is a big deal and it's important. It's a big deal and important for our country and for this Congress. It's a big deal and an important step in leading our Nation's innovation agenda in the face of growing global competition. It's a big deal and important for the business community, including the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable, which is why they have been so supportive. It's a big deal and important to our universities and our national labs, and it's a big deal and important to our children and grandchildren so they will not be the first generation of Americans to inherit a standard of living lower than their parents.

If we are to reverse the trend of the last 20 years where our country's technological edge in the world has diminished, we must make the investments necessary today. The statistics speak for themselves. More than 50 percent of our economic growth since World War II can be attributed to the development and adoption of new technologies.

The path is simple. Research and education lead to innovation. Innovation leads to economic development and good-paying jobs and the revenue to pay for more research. And as private firms underinvest in research and development because the returns are too far off in the future, there is a clear and necessary role of government to help our Nation keep pace with the rest of the world.

To quickly summarize, the America COMPETES Reauthorization Act of 2010, H.R. 5116, makes investments in science innovation, education to strengthen U.S. scientific economic leadership, supports business, and creates jobs in the short, mid, and long term.

In the short term, Federal programs like the innovative technological Federal loan guarantees addresses the immediate need of small- and medium-sized manufacturers. In the midterm, the bill will strengthen regional economies through programs like the regional innovation clusters.

To ensure its scientific and technological leadership now and long into the future, the bill makes investments in the basic research. The bill includes a reauthorization of the Advanced Research Projects Agency for Energy,

ARPA-E. Even before the price of oil hit today's record highs, "Gathering Storm" recommended greater energy independence. But as we move to a cleaner, more efficient and more balanced economic portfolio, we should not trade our dependency on foreign oil for a dependency on foreign technology. This is why ARPA-E is so important.

The bill also includes an authorization for Energy Innovation Hubs which will each focus on overcoming a single technological barrier to achieving our national energy innovation goals. The bill will double authorization funding for our basic research programs, the National Science Foundation, the Department of Energy Office of Science, the labs at the National Institute of Standards and Technology over the next 10 years.

Throughout the committee process, there was a lot of legitimate discussion about Federal deficits. And I agree, we must address the challenges presented by our deficits, but we also must invest in our country's future. I remember Newt Gingrich saying one of his greatest regrets was not doubling the funding for NSF when he put NIH on a doubling path.

During the committee consideration of this bill, we made some significant changes to the bill's authorization levels. But we will maintain a doubling path for our research accounts over the next 10 years. We do so on a slightly less aggressive trajectory.

The bill, as introduced, included authorizations totaling approximately \$93 billion over 5 years. The bill we consider today includes authorizations of approximately \$84 billion. This represents a 10.3 percent reduction in funding for the introduction of the bill, or a reduction of more than \$9.6 billion over 5 years.

This bill provides a stable, sustainable, and achievable set of authorization levels that balance the importance of these investments with the reality of our current budget deficits.

Another important element of the funding roadmap in the bill is certainty. As we know, most successful businesses do not operate in a 1-year timetable. They generate plans years in advance. In fact, many businesses operate using at least a 5-year plan. So as we continue to climb out of the worst economic downturn in a generation, we need a 5-year plan to reinvest in our intellectual capital, our research enterprise, and our workforce training. This becomes even more important when comparing our efforts to other nations.

Our global competitors, most notably China, increase innovation in 5-year windows. They write a 5-year plan, watch its progress, and in year 4, they begin on the next 5-year plan. The time has come for our country to establish a clear path forward with a thoughtful, responsible 5-year plan.

Finally, let me say that more than 50 years ago when DARPA was first created, no one had an idea that the research it would fund would be responsible for creation of the Internet or the proliferation of GPS technologies, but it did. Those innovations started with Federal dollars, as did countless other game-changing technologies.

□ 1500

There is an undeniable relationship between the investment in R&D and the creation of jobs, the creation of companies, and economic growth. But don't just take my word for it. The Joint Economic Committee released a report this week that shows the economic benefits from Federal investment in research.

The Science Coalition, a nonprofit, nonpartisan organization of the Nation's leading research universities, released a report this week entitled "Sparkling Economic Growth: How Federally Funded University Research Creates Innovation, New Companies, and Jobs." This report tells the stories of 100 companies, including Google, Cisco, SAS, Genentech, Orbital Sciences, Sun Power, Medtronic, and Hewlett-Packard, that were all created based on research funded with Federal dollars.

And, last, there are the sponsors of this important legislation. The U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, the Council of Competitiveness, the Task Force of American Innovation, the American Chemical Society, as well as a growing list of over 1,000 major companies, universities, trade associations, and professional organizations, all understanding the benefits to U.S. companies of making a sustained commitment to research and STEM education.

COMPETES is and will continue to be a bipartisan, bicameral effort that every Member of this House can feel ownership of and should take bragging rights on.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Chair, I yield myself such time as I may consume.

I rise today to speak on H.R. 5116, a bill reauthorizing the America COMPETES Act. COMPETES was originally authorized in 2007 in response to recommendations in the National Academies Report, "Rising Above the Gathering Storm," and initiatives proposed in President Bush's American Competitiveness Initiative that stressed the need for increased investments in basic science research and development. The 2007 House-passed bill was a 3-year authorization that placed three agencies, the National Science Foundation, the National Institute of Standards and Technology, and the Office of Science at the Department of Energy on a 10-year doubling path.

I remain committed to the underlying goals of the America COMPETES Act. I like the thrust. I like the goals. Most of us on our side of the docket

did. We believe that we should continue to prioritize investments in basic research and science, technology, engineering, and mathematics—the STEM—education. These long-term investments, coupled with policies that reduce tax burdens, streamline Federal regulations, and balance the Federal budget, are necessary steps for our Nation to remain competitive in the global marketplace.

However, the bill goes far beyond the original intent and scope of the COMPETES legislation. One of my primary concerns is the cost of the overall package. At \$86 billion, it represents over \$22 billion in new funding above the fiscal year 2010 basic level. Even if you consider the 10-year doubling path for the three agencies as opposed to flat funding, the bill is still almost \$8 billion over that amount.

It is also important to note that these agencies received an additional \$5 billion in the American Recovery and Reinvestment Act. Given the current state of our national economy and the fact that our Nation's budget deficit has increased 50 percent since the last authorization 3 years ago, we have to be mindful of our spending if America is to continue to compete globally.

I am also concerned by the creation of several new programs in this bill, including Energy Innovation Hubs at DOE, a loan guarantee program at the Department of Commerce, and regional innovation clusters at the Department of Commerce. Several of these new programs fund activities beyond basic science research and development, and many are potentially duplicative of current efforts and could divert money away from priority basic research.

Given the number of new programs in this bill, it is especially troubling that the authorization length is 5 years, as it limits congressional oversight opportunities and calls for out-year funding increases without regard to the current and future fiscal environment.

At the full committee markup in April, Republicans offered 39 amendments to, among other things, address increased costs, shifts in priorities, duplications of programs, and congressional oversight. Some of these concerns will be debated today as part of our amendment process.

Before I close, I would also like to thank and acknowledge my staff for all of the hard work they have done on this bill. I also want to thank Chairman GORDON and his staff for all of their efforts. Chairman GORDON and I have worked together in this body for several years, and I will absolutely miss working with him when he retires at the end of this year. As a matter of fact, as he leaves this session, I hope we can name part of this program after BART GORDON because he is the father of it.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, how much time do we have?

The CHAIR. The gentleman from Tennessee has 20½ minutes remaining.

Mr. GORDON of Tennessee. Madam Chair, I yield to the gentleman from Oregon (Mr. WU), the chairman of our Technology and Innovation Subcommittee, 1½ minutes.

Mr. WU. I thank the chairman.

I rise today in strong support of America COMPETES, and I want to recognize the tremendous leadership which Chairman GORDON has given in this effort. He is the father of this bill. He has created the ARPA-E energy initiative in this bill and has shown tremendous leadership by pushing this effort forward.

I am particularly proud of the contribution that my subcommittee, the Technology and Innovation Subcommittee, has made to this legislation. Innovation is absolutely crucial to our Nation's long-term global competitiveness. It is our economic seed corn, and we have a responsibility to support the kind of economic environment that empowers our Nation's private sector to innovate and create jobs.

The bipartisan legislation we are considering today will strengthen our Nation's economic competitiveness by creating an environment that encourages innovation and facilitates economic growth. It will create high wage, middle class jobs through innovation and technologic development. Among other things, the bill makes critical investments in the Manufacturing Extension Partnership, which will help this vital program better address the needs of our Nation's small- and medium-sized manufacturers.

Of particular importance is the new focus of the MEP program on finding out what the local job market really needs and helping community colleges focus job training on these particular needs so that the retrained workers can find work nearby. America COMPETES is the cornerstone of our Nation's global competitiveness, and today's reauthorization bill represents another crucial step in implementing the innovation agenda.

Mr. HALL of Texas. Madam Chair, I yield 4 minutes to Mr. SENSENBRENNER, the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Chairman, I rise today in opposition to H.R. 5116, the America COMPETES Reauthorization Act. Madam Chairman, I support efforts to invest in science and technology. In these tough economic times, we must look ahead and recognize the necessity of research and experimentation in developing new products and improving existing ones. If the U.S. wants to remain the leader in technological innovation, it is imperative that we invigorate investment in private sector innovation so that we can expand our global leadership in high technology and spur greater economic growth domestically.

As the former chairman of the House Science Committee, I understand the importance of promoting policies that strengthen America's technological

leadership, and recognize the endless economic benefits when innovation takes place. However, once again, we are seeing the majority ignore rising deficits and continue on the path of reckless spending. As some of my colleagues have already noted, this legislation includes \$22 billion in new funding over this year's base. Our national debt stands at \$13 trillion, and our deficits are up 50 percent over the past 3 years. The majority cannot continue to pile the debt upon our children and grandchildren.

It strikes me as odd that we are ramping up funding for this act when the programs that it funds are only starting to be implemented. Without having the opportunity to perform proper oversight to know which programs are effective and which are not, it appears that we are simply here today to throw another \$86 billion at the wall to see what sticks.

The legislation before us goes beyond basic research and development activities. It creates several duplicative and unnecessary programs. Take, for example, the creation of the new Energy Innovation Hub program. The administration's fiscal year 2011 budget included funding for a hub on batteries and energy storage; however, budget documents indicate that there are at least five other DOE programs which conduct similar energy storage R&D activities. Unfortunately, this is not the only example of a proposed hub that appears to duplicate existing R&D efforts.

Additionally, this legislation not only dramatically increases spending, but shifts the focus of the original America COMPETES Act of basic research to increased spending on later-stage technology development and commercialization efforts. I do not believe that the government ought to be in the business of picking winners and losers; however, that is exactly what the provisions of this legislation attempt to do.

Throughout the legislation, there is an emphasis on climate change research and reduction of greenhouse gas emissions. It troubles me to see in a competitiveness bill the prominence of reducing greenhouse gas emissions as a policy objective. This legislation effectively seeks to prohibit the pursuit of technologies that would advance energy independence through expanded supplier production of domestic energy resources.

In order for the U.S. to continue to compete and to be an innovative leader throughout the world, we must ensure we devote the proper resources and incentives in basic research and development. However, this legislation is not the answer. I urge a "no" vote on this bill.

Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the subcommittee chairman of the Research and Science Education Committee, Dr. LIPINSKI.

Mr. LIPINSKI. Madam Chair, I rise in strong support of this bill, and I

want to thank Chairman GORDON for his tremendous leadership on this issue. Passage of this bill will help produce a brighter future for our Nation and our Nation's workers or, put more simply, this bill means jobs.

As a former college professor, an engineer, and a ceaseless advocate for American manufacturing, I want to focus on the National Science Foundation title, which comes from my bill, H.R. 4997. Besides keeping NSF on its doubling path, it significantly increases support for basic research, STEM education, graduate education, and technology transfer. That is turning research into jobs.

In addition to our newly created NSF manufacturing and research program and a reauthorization of the National Nanotechnology Initiative, it includes a funding increase for MEP programs and a new innovative technology loan guarantee program.

The COMPETES Act also includes provisions to address the serious deterioration in the state of our research infrastructure, both at universities and our national labs, which threatens America's competitiveness. In addition, the GENIUS Act is included, a bipartisan bill I introduced with Representative WOLF to allow the NSF to offer innovative inducement prizes.

The COMPETES Reauthorization Act takes a proactive and bipartisan approach to securing America's position in a 21st century global economy and creating jobs, and I urge my colleagues to vote for this bill.

Mr. HALL of Texas. Madam Chairwoman, I yield 3 minutes to the gentlelady from Illinois, a member of the committee, Mrs. BIGGERT.

Mrs. BIGGERT. I thank the gentleman for yielding, and Madam Chair, I rise in support of H.R. 5116, the America COMPETES Reauthorization Act of 2010.

I commend Chairman GORDON and Ranking Member HALL for their efforts to move this bill through regular order and for working with Members on both sides to make improvements to the bill.

Like many of my colleagues here, I strongly supported in 2007 the original America COMPETES Act, which became our Nation's first coordinated and strategic investment plan aimed at maintaining U.S. leadership in science and technology.

Based on the recommendations in the National Academies report, "Rising Above the Gathering Storm," this bill we are considering today will build on the investments of the 2007 legislation and preserve U.S. leadership in math, science, and engineering education, and basic research development and commercialization opportunities for our country.

As some have suggested, H.R. 5116 is not without flaws. I share the concerns my colleagues have about the creation of new programs and higher funding levels contained in the bill. Some of our concerns were addressed in com-

mittee, some were not. That said, I also urge my colleagues to keep in mind that this bill is, above all else, an investment in scientific advancement, with proven economic returns for many years to come.

At the heart of the COMPETES Act is the reauthorization of the Department of Energy's Office of Science and the National Science Foundation, two programs that form the backbone of basic research and education in universities and laboratories across the country. Their reauthorization is critical to America's ability to maintain a technological and competitive edge over our European and Asian competitors in the global economy.

□ 1515

In particular, the Office of Science supports 40 percent of basic research in the United States and ensures that the U.S. retains its dominance in such key scientific fields as nanotechnology, materials science, biotechnology, and supercomputing—all areas in which emerging technology is laying the groundwork for a new generation of products and services. The Office of Science is especially critical to States like Illinois, where university and laboratory research and development supports 68,000 high-tech jobs, according to the Illinois Science and Technology Coalition. Furthermore, the Office of Science maintains large-scale user facilities like at Argonne National Laboratory in my district. These facilities provide scientists from both the public and private sector with the tools that they need to turn groundbreaking research into real, tangible tools and benefits for consumers, patients, energy users, and other sectors. In my district alone, dozens of firms have spun off from the research started at Argonne and gone on to become major employers and economic leaders.

Consider this. In 1 year, the user facility at Argonne will host 3,500 researchers from 50 States, 145 U.S. companies, and 265 universities.

The CHAIR. The time of the gentlewoman has expired.

Mr. HALL of Texas. Madam Chairwoman, I yield the gentlewoman 1 additional minute.

Mrs. BIGGERT. Without this support, research breakthroughs in AIDS medications, alternative fuels, and infrastructure materials would not have been possible. Fortunately, with this reauthorization of COMPETES, we will have the ability to realize the promises of scientific innovation much faster.

Too often, I hear from small businesses in my district about what I call the "valley of death"—that period when a firm has developed a new technology but faces difficulty commercializing it and moving it into the market. By facilitating commercialization and opening access to advanced Federal facilities, this bill removes those hurdles.

Madam Chairman, in a struggling economy where investment dollars are

scarce and new opportunities are at a premium, we should put our Nation's immense scientific talent and extensive infrastructure to work creating and developing the products and jobs of tomorrow.

With that, I would urge my colleagues to support this bill.

Mr. GORDON of Tennessee. Madam Chair, let me first point out that my friend from Texas (Mr. HALL) is not doing a Roy Orbison impersonation today. He had a cataract removed earlier and that's the reason he periodically is wearing his sunglasses. A lesser person wouldn't have made it today. I compliment Mr. HALL for being here.

I yield 1 minute to our very distinguished majority leader, the gentleman from Maryland, STENY HOYER.

Mr. HOYER. I thank the gentleman from Tennessee, the chairman of the committee, for yielding. I congratulate Mr. HALL, my good friend from Texas, for his leadership. And I rise in support of the America COMPETES Act.

I want to congratulate Mr. GORDON in particular. Mr. GORDON has been focused on the subject matter of this bill—innovation, entrepreneurial efforts, science, technology, math, and engineering efforts—to make our economy more competitive worldwide and more vibrant here at home. This bill creates jobs in the short term and builds a strong foundation for prosperity in the long term. That's what we need to be focusing on. That's what Americans want us to focus on. They want us to get jobs now. But they also want to have a resilient, growing economy for the future. We can accomplish both goals by expanding our support for research and development so that the United States remains the world's technology leader.

This bill establishes innovative technology Federal loan guarantees for small- and medium-sized manufacturers. Those loans, which are especially needed at a time when credit is tight, will help our businesses keep pace with a changing economy, increase productivity, and hold their own with overseas competitors. By supporting innovation, as this bill does, this bill will help those businesses save and create jobs. It will also promote job growth and innovation on the regional level by creating regional innovation clusters—collections of local businesses that collaborate on emerging technology in similar fields.

As Chairman BART GORDON of the Science and Technology Committee has observed, "Clusters can strengthen or revive a region's economy and can advance the work being done in their field by bringing their leaders together to share ideas and build off one another." I agree with that comment. That's why I think they're so important.

However, as Mike Muro of the Metropolitan Policy Program at the Brookings Institution points out, America "lags other nations in fostering these distributed, bottom-up systems of busi-

ness development, innovation, and talent matching. The time has come," Mr. Muro went on, "for America to make regional industry networks a defining aspect of the Nation's effort to catalyze the next era of high-quality job creation and growth." BART GORDON and the Science and Tech Committee have done that. I congratulate them for that. It's an encouraging step that this bill does just that.

In addition, the America COMPETES Act helps ensure that our workforce will meet the challenges of the 21st century economy, by investing in science, technology, engineering, and mathematics. It reauthorizes and increases funding for the vital National Science Foundation, which promotes cutting-edge research by funding innovation in fields from computer science to mathematics to genomics.

Madam Chair, Federal support for research is one of the best investments we can make. I congratulate Mr. GORDON, again, not only on his leadership on this bill, but on his leadership through the decades that he has served in this institution on these very issues. Federally supported research gave us GPS, the computer mouse, computer-aided design, and the Internet. There's no telling the ways in which it might shape our lives in the years to come. The legacy that Mr. GORDON will leave—unfortunately, he's leaving our midst at the end of this year, voluntarily, deciding to do some other things. I congratulate him, though, on the extraordinary contributions he's made during his years of service here.

In a competitive world economy, the National Science Foundation reported that our R&D expenditure has fallen as a share of the world total, as the growing Asian economies gain a greater share. This bill can, and will, help reverse that trend. The America COMPETES Act won bipartisan support the first time Congress authorized it in 2007. I hope and expect that that bill will garner such bipartisan support that it deserves this time around.

Again, in closing, Madam Chair, let me congratulate Mr. GORDON and thank Mr. HALL for his role.

Mr. HALL of Texas. Madam Chairwoman, may I inquire as to how much time I have left?

The CHAIR. The gentleman from Texas has 19 minutes remaining.

Mr. HALL of Texas. I thank the chairwoman.

Madam Chair, I yield 5 minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Madam Chair, I rise in opposition to H.R. 5116, but let me begin by congratulating Chairman GORDON for the great leadership that he's provided while he's been chairman of the committee, as well as the great cooperation and leadership that Ranking Member HALL has provided us. These two gentlemen have exemplified the very best of our democratic system. Back now to this piece of legislation, however.

The theoretical purpose of the America COMPETES Reauthorization Act is to enhance the Nation's long-term economic competitiveness through investments in science and technology. I support this laudable goal, as I have for more than 21 years as a member of the Committee on Science and Technology, including 10 years in which I was a subcommittee chairman. But I cannot support this legislation which, simply put, authorizes too much funding in too many wrongheaded ways.

While I'm certain this bill was drafted with the best of intentions and motivations, I strongly disagree that this is in our Nation's best interests. American investments in science and technology cannot operate in a vacuum. We need a broader strategy that prioritizes spending, reduces debt, eliminates deficits, and provides clarity, stability, and the appropriate regulatory environment. Only this combined policy, with all of the difficult analysis and hard choices that it entails, will allow America to maintain our technological edge. But this legislation makes no choices. It simply authorizes more and more spending.

We cannot enhance our long-term competitiveness by mortgaging the future of our children and grandchildren. That is precisely what this legislation does. The Congressional Budget Office says that implementing this legislation will cost \$85 billion, a 32 percent increase over the FY 2010 baseline. This will clearly elevate the level of deficit spending for our country. We're talking about borrowing money from China and other foreign nations to meet the goals of this legislation. It's new spending on top of old, creating towering debt. Like a game of Jenga, we're eroding the base by piling even greater burdens on an increasingly unstable system, hoping that the whole thing won't just fall apart while we're holding the ball. Well, instead, if we manage to get through this without a total collapse, the way our country is going, we will be burying our children in debt. And that is not an option we should be advocating. We should go at the debt legislation by legislation, as we are today.

At the same time, in this legislation there is no prioritization of programs and spending, no attempt at increasing efficiencies or at restructuring programs that would be expected to be reauthorized in a bill of this size and complexity. There aren't even any commonsense safeguards to make sure that these funds won't promote foreign competitors. If we finance foreign researchers who then return home with their new capabilities, it certainly won't help America compete. Perhaps, if the money will go to train foreigners and subsidize companies not owned by Americans, we should name this the America DEPLETES Act. Creating new Federal programs or expanding existing programs should always be done with caution and oversight. Establishing new programs, especially in times of economic downturn, means increasing deficit spending, which in

itself is something that will drag down productivity and economic activity.

Along with some good things, this legislation creates new programs which are unnecessary and wasteful and which, as some of my fellow colleagues have already pointed out, are redundant to existing programs. All of this while increasing the level of deficit spending. This is not a roadmap to progress for a better future. It's just another well-intentioned spending program, financed by borrowing, that will propel America over the economic cliff to which we are headed.

Over this last year, spending more, borrowing more, taxing more, subsidizing more, and running up the level of Federal deficit spending at such a record pace has not spurred our economy. It has not caused economic growth or reversed the economic crisis and challenge which we find ourselves confronting today. I believe those pushing this legislation are well-intentioned, but they're not diligent. Diligence would require prioritization, program restructuring, regulatory relief, and tearing down the roadblocks to using the technologies that we already have, rather than just spending more and more.

So, with that, I suggest that there are good parts to this bill, but I would have to rise in opposition.

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Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the gentleman from Washington, Dr. Baird, the outstanding subcommittee chairman of the Energy and the Environment Subcommittee.

Mr. BAIRD. Madam Chair, I think one of the best things that can happen to a Member of Congress is the privilege to serve on a committee you are passionate about and with a chairman and ranking member who you have deep respect for, and that certainly applies to the Science Committee chairman and ranking member.

America COMPETES is about jobs; it is about energy independence; it is about better foreign policy; and it is about leaving a cleaner, healthier environment for our children and our grandchildren. Contrary to some of the things some of the opponents have said, this is, in fact, one of the very best investments we can make in our future. Every day and in this room today are young Americans watching this process. This bill is about their future. It's about whether they'll have qualified, well-trained scientists, engineers and mathematicians as professors and mentors. It's about whether this country will have the technology to lead the world in the next century and the rest of this century on energy independence. It is about discoveries that will transform lives and transform this Nation.

I'm particularly proud of the authorization work in this to reauthorize the DOE Office of Basic Science. They produce outstanding work, as my col-

league Mrs. BIGGERT said earlier, but I am also particularly impressed with some of the new programs of the original America COMPETES, notably the ARPA-E program. If anything this Congress does is going to turn around the economy not just for the short term but for the long term, it is innovations like that which will result from the authorization of the America COMPETES Act, ARPA-E, NSF reauthorization, NIST, and all of the other elements. This is critical legislation, absolutely critical for the future strength, national security, economic health and jobs of our citizens, and I urge its passage.

Mr. HALL of Texas. Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I recognize for 1½ minutes the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON), a valued member of the Science and Technology Committee.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I rise in support of H.R. 5116, the America COMPETES Reauthorization Act. My colleagues and I on the Committee on Science and Technology have held numerous hearings and markups to prepare the legislation that is before us today. It puts the National Science Foundation and the Department of Energy's Office of Science on a path to double their research budgets, and it's needed. It will prepare thousands of new teachers and provide current teachers with better materials and skills by reauthorizing the Noyce Teacher Scholarship Program. It also reauthorizes grant programs to increase the number of advanced placement teachers in high-need schools and provides students in high-need communities with access to laboratory experiences. As women and minorities continue to be underrepresented in the sciences, the America COMPETES Act includes many provisions that will strengthen diversity in our Nation's scientific enterprise.

I am pleased that during committee we prohibited the consolidation of programs that serve minority institutions and students. I also applaud the committee for including the Fulfilling the Potential of Women in Academic Science and Engineering Act, which is important legislation that I sponsored for two Congresses. I also applaud many of the other provisions in this legislation that promise to ensure America COMPETES includes all Americans. These provisions will have schools around the Nation elevate their math and science programs so that they can achieve the standard exemplified by the School of Science and Engineering at Townview in Dallas. This school is rated the best in the Nation among public high schools and has been that for 10 years.

Madam Chair, I want to commend Chairman GORDON and Ranking Member HALL for their hard work on this legislation. This bill was put together in a bipartisan fashion. It represents a concerted effort to create a more com-

petitive science and engineering workforce. I support this bill, Madam Chair, and I urge my colleagues to vote in favor of it.

Mr. HALL of Texas. Madam Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. How much time is remaining?

The CHAIR. The gentleman has 13½ minutes remaining on his time.

Mr. GORDON of Tennessee. Thank you, Madam Chair.

I yield 1½ minutes to the gentlewoman from Arizona (Ms. GIFFORDS), the chairman of the Space and Aeronautics Subcommittee.

Ms. GIFFORDS. Madam Chair, first I would like to congratulate Chairman GORDON and also Ranking Member HALL for this legislation. Three years ago, this body recognized the importance that science and technology play on our 21st century workforce, and we took action by passing the America COMPETES Act of 2007. We heeded the warnings from the National Academies' report, "Rising Above the Gathering Storm." American students were falling behind in science and mathematics, and with their falling grades went our ability to remain competitive in this new global economy. That's why I offered amendments 3 years ago to help students from low-income and rural parts of America to get the support they need to pursue careers in science, technology, engineering and mathematics. But we're not through the woods yet. Today we renew our commitment by maintaining America's leadership by reauthorizing this legislation.

This bipartisan bill is exactly the sort this Congress should be focusing on. It's about the economy; it's about jobs; it's about innovation; and it's about preparing for tomorrow. I want to take a moment to mention a particular component of this legislation which I am particularly proud to support. Earlier this year, I introduced the 21st Century Graduate STEM Education Act which is now incorporated into this legislation. We need to do everything we can to ensure that our students at every level have the best STEM education in the world so that they can enter the workforce and thrive. The grants created by this act will help equip graduate students in the STEM fields with the skills and knowledge for careers so that they can be successful outside of the traditional academic track.

We need to see more engineers. We need to see more mathematicians. We need to see more scientists. We need to see more Ph.D.- and master's-level scientists and engineers teaching in schools, providing the next generation of students with a solid foundation in math and science.

Mr. HALL of Texas. Madam Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 1½ minutes to the

gentleman from North Carolina (Mr. MILLER), the chairman of the Oversight Committee.

Mr. MILLER of North Carolina. Madam Chair, if the next generation of Americans is to be as prosperous as ours, we must regain our edge in technology, innovation and education. Even before the Great Recession, the industries that North Carolinians long relied upon—textiles, tobacco, furniture—suffered one loss after another, and most of our lost jobs are not coming back. New jobs will either come from science and research, or they won't come at all.

New technologies create new jobs, and America must lead the way in developing new technologies and in bringing those technologies to the marketplace. This bill will provide loans to help small businesses keep their current employees and hire more. Universities and private companies in my district are already leaders in many emerging technologies, including advanced energy technologies; and we will greatly benefit from the provisions of this bill that will create regional economies around existing areas of expertise for innovation hubs. Finally, this bill's investment in basic research will create jobs that we cannot now even imagine.

On behalf of North Carolinians worried about what the future holds for their children, I urge support of this bill, and I thank Chairman GORDON for his tireless work.

Mr. HALL of Texas. Madam Chairwoman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. FUDGE), another valued member of our committee, a new but active member.

Ms. FUDGE. Madam Chairman, I too congratulate Chairman GORDON and Ranking Member HALL on this landmark legislation. I am proud to have had the opportunity to work with them on this critical initiative. I represent Cleveland, an area that is rapidly strengthening its science and technology resume. In my district, the Cleveland Clinic and University Hospitals are performing revolutionary biomedical research. Research and development efforts are supported by the students and faculty at Case Western Reserve University, one of the leading research universities in the country. Also, the Ohio STEM learning network, a paragon of STEM learning, has expanded education to traditionally underrepresented groups and is being modeled in other areas of the country.

There is still work to be done. Collaboration among Federal agencies is essential, which is why I have incorporated an amendment in committee that would instruct the NSF, NIH, and the Department of Education to collaborate in identifying grand challenges in education research and then determine what specific role each agency should play. This section of COM-

PETES instructs these agencies to solicit input from a variety of stakeholders in STEM education, those who know best the needs of a STEM community. This will ensure that the research performed is relevant and useful.

The America COMPETES Act draws attention to what we really need to focus on to continue our leadership and innovation: STEM education and research and development. I urge my colleagues to support this legislation.

Mr. HALL of Texas. Madam Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND), the chairman of the New Dems.

Mr. KIND. Madam Chair, I thank my good friend and colleague from Tennessee for yielding me this time. As one of the co-chairs in the New Dem Coalition, Madam Chair, I rise in strong support of reauthorization of the America COMPETES Act. The New Democratic Coalition was strongly behind the creation of America COMPETES in 2007, as we stand with this reauthorization bill today.

I want to commend the leadership of the Science Committee and all the members for producing this legislation, but especially our good friend from Tennessee, Chairman GORDON, for the vision and the leadership that he has shown on this issue. Unfortunately, we're going to be losing Representative GORDON to retirement this year, but I can't think of a more powerful or lasting legacy for any Member to leave with than with the creation of the America COMPETES Act.

What this legislation is about is making sure the United States of America remains the most innovative and creative Nation in the world, that we stay on the cutting edge of scientific, medical and technological discoveries and breakthroughs, that we're making sensible investments in basic and applied research and also in workforce development areas, especially in those crucial fields of study, such as science, technology, engineering, and math.

We have a choice to make today, whether to support these investments or not and watch other nations in the world do this for us. This bill is based on the seminal studies that have occurred previously through the National Academy of Science, "Rising Above the Gathering Storm," or even before that with the John Glenn Commission "Before It's Too Late." So the information is in. The studies are complete. We know what we have to do, and this is one of those fundamental building blocks to establish the groundwork for long-term sustainable economic growth. In short, this is about jobs today, tomorrow, and in the future. I encourage my colleagues to support this reauthorization. And I congratulate Chairman GORDON for such an important bill and for his distinguished service in Congress.

Mr. HALL of Texas. Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY), the chairman of the Joint Economic Committee.

Mrs. MALONEY. Madam Chair, I rise in support. This legislation will help to bolster our Nation's economic competitiveness by supporting basic research, the fundamental building block for innovation and making investments in science, technology, engineering, and math.

The Joint Economic Committee released a report this week looking at the role of basic research in the R&D process. The report highlights the critical role the Federal Government plays in funding basic research. While the Federal Government supports about one-quarter of overall R&D, as you can see on this chart, it funds more than half, 57 percent, of basic research. Without Federal involvement, basic research would be underfunded because the returns the private sector can gain on basic research are smaller than the broader benefits to our overall economy.

As we recover from the worst recession since the Great Depression, we have to look under every rock to give ourselves every chance of sparking innovations that will fuel future growth and jobs. The America COMPETES reauthorization funds the basic research that will drive a new generation of innovation, spawning new technologies and industries and leading to additional growth and jobs. America COMPETES will strengthen our economy by making strategic investments in America's future. I urge a "yes" vote and applaud the chairman of the committee for his many years of service.

Mr. HALL of Texas. Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 1½ minutes to the gentleman from New Mexico (Mr. LUJÁN), another valued member of our committee.

Mr. LUJÁN. Madam Chair, I rise today in support of the America COMPETES Reauthorization Act of 2010, and I thank Chairman GORDON and Ranking Member HALL for their work on this important bill and all my colleagues on the Committee on Science and Technology for their hard work.

During these difficult economic times, it's more important than ever to make sure the United States has the ability to compete globally. That's why this legislation is so sorely needed and which is why I included language in this bill that encourages cooperative agreements between small businesses and our national labs. Our national laboratories are developing new technology that could change the way we generate energy, keep our airports safer, and make our hospitals healthier. My language will make sure this technology gets into a competitive marketplace to encourage economic

development and create jobs right here in America.

The COMPETES Act also makes key investments in science education, ensuring that our students are prepared for the jobs of the future. For too long, there has been a divide that has kept minority students out of these fields. We must close this divide and make sure that this generation of students has the opportunity to be the next generation of scientists, researchers, and inventors. That is why I included language in this bill to help support Hispanic-Serving Institutions, Tribal Colleges and Universities, and other minority-serving institutions. The America COMPETES Act will drive innovation, support small business, increase American competitiveness, and create jobs. I urge my colleagues to support this bill.

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Mr. HALL of Texas. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I regretfully stand up today in opposition to this bill, and it is not because of major portions of the bill. I want to say first of all, I want to thank the chairman for his effort here in getting as much of a bipartisan bill as possible. He worked hard on this, and not just this bill, but I think through the entire years he has been chair, he has really made an effort to do what a lot of people talk about in this town but very few are willing to do, and that is make that bipartisan effort.

Sadly, Madam Chair, I have to oppose this bill for one major issue, and that is this bill does not take the effort to make sure that the billions of dollars in this bill do not go to illegal employers who are creating a crime problem in my district and around this country. All we have asked for is the ability to assure our constituency that none of the tax money that we are putting into this bill at this effort will be diverted into illegal activities such as hiring people who are not legally present in the United States.

As every Member of Congress knows, the Federal Government requires that all Federal departments, including Members of Congress, use E-verification system to ensure or at least make the effort to avoid the situation where Federal tax dollars are being diverted into illegal employment.

The President of the United States this year initiated a program of requiring contractors to use the E-Verify system to make sure that those tax dollars didn't go to contractors who were illegally employing. All we asked with this bill was that we include a provision that allows us to be able to ensure our constituency that the same can be said with this expenditure of billions of dollars.

I have to say, I really feel remorse for having to stand up now because it has been such a great effort to try to get it across and do the right thing. All

I can say, Madam Chair, is I hope the chairman, who knows how we feel about this, is successful in the future as this bill moves forward at including the provision for this in this bill that all employers, all contractors, all grantees, do the right thing and the appropriate thing by using E-Verify to make sure that Federal funds are not used in illegal activity.

So as we move forward, I would ask that the chairman's mark be looked at as an opportunity to include the E-Verify requirement; that when we go to conference, the E-Verify requirement be looked at as a possibility at that level; and before we go to final adoption, that we include the E-Verify in this, because I think after what has happened in the last few weeks, with the outrage across this country, both sides being very upset, the major thing they are upset about is that Congress is not taking the opportunity to do those little things that common sense and common decency say we should be doing as legislators and addressing the real source of the illegal immigration problem, and that is the illegal employment. And if we cannot find enough intestinal fortitude to require those who are getting Federal grants and Federal guarantees to play by the rules and make sure they are not hiring illegals, how can we go home to our constituency and say we really do care, let alone we've done enough.

I ask, Madam Chair, that we sadly vote against this bill, even with all of its great packages, until the essential part of this is done, and that is requiring that everybody who gets a loan guarantee, everybody who gets a grant, anybody who gives a job out under this bill needs to make sure that it is going to an American or a legal resident who has the right under the law to be employed in this country. Until we do that much, we really don't have the right to ask the American people to pay for this bill.

Mr. GORDON of Tennessee. Madam Chair, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI) for a colloquy.

Mr. LIPINSKI. Madam Chair, section 404 of the bill reorganizes the NIST laboratories, including creating an engineering laboratory for manufacturing and construction research. As you are aware, NIST currently performs important research on fire safety. Will this restructuring of the current Building and Fire Research Lab prevent NIST from engaging in this important fire safety research?

Mr. GORDON of Tennessee. The gentleman is correct that NIST does perform critical research on fire safety, enabling safer fire codes and standards and safer equipment for firefighters. Nothing in this restructuring provision will prevent NIST from continuing this important work.

Mr. LIPINSKI. I thank Chairman GORDON.

Ms. HERSETH SANDLIN. Madam Chair, thank you for the opportunity to offer this

amendment to the America COMPETES Act. I am grateful to Chairwoman SLAUGHTER and the Rules Committee for making this amendment in order.

I'd also like to thank Chairman GORDON for his support for this amendment and for his nearly 26 years of service in this Chamber. I congratulate him on his hard work on this bill and wish him and his family the best as he gets ready to move on to the next chapter in his career.

This amendment expresses the sense of the Congress that the National Science Foundation should respond to the recommendations of the National Academy of Sciences and National Science and Technology Council regarding investments in facilities, and to make joint investments with the Department of Energy where possible.

Currently, the NSF is investing in one such project with the Department of Energy for a joint facility in South Dakota, in response to the recommendations of the National Academy of Sciences and National Science and Technology Council.

The facility in Lead, South Dakota is known as the Deep Underground Science and Engineering Laboratory, or DUSEL. A deep underground facility will shield experiments from cosmic rays that interfere with results. The DUSEL in Lead will be the largest deep underground facility in the world; Russia, Italy, and Japan already have deep underground facilities.

Lead is the home of the Homestake gold mine, once the largest and deepest gold mine in North America. The DUSEL will continue a long history of scientific exploration in the Homestake mine, which began with the solar neutrino experiments of the 1960s.

Construction is already underway at the mine to accommodate this new 21st century scientific project of national significance. Preparations for a Large Underground Xenon, or LUX, detector are already occurring 4,850 feet below the surface. The mission of the LUX detector is to detect dark matter which makes up approximately 95 percent of mass in the known universe. This experiment will help us better understand the makeup of the universe.

The DUSEL project promises to advance our understanding in a number of scientific disciplines, including particle and nuclear physics, geology, hydrology, geo-engineering, biology, and biochemistry. Experiments in the mine will be conducted at the surface and up to 8,000 feet deep. It will also have an important educational component for K-12 students all the way through graduate school students. Educating our girls and boys at a younger age in science will help them achieve as they get older and encourage them to pursue scientific careers.

I am grateful for Chairman GORDON's support for this amendment and urge my colleagues to approve this amendment and help advance the cause of science and continue our Nation's leading role in exploring the foundations of the natural world around us.

Mr. GRIJALVA. Madam Chair, I want to express my support of the America COMPETES Act, and in its commitment to investing in quality math and science education. Strong investments in STEM fields are essential to the future success of our nation, both in our commitment to quality education and America's continued leadership in science throughout the world.

I particularly rise in strong support of the Davis Amendment for which I am a cosponsor; an amendment that envisions the increasingly important role that community colleges can and should play in the advancement of STEM education and STEM career training.

Community colleges are an affordable and accessible educational vehicle. They provide high quality education and career training to a diverse population of students and serve the diverse needs of their communities.

I strongly support the plan to build partnerships and grants to community colleges to improve educational opportunities for underserved communities, and to explore and expand the role of community colleges in STEM fields.

This amendment will assist community colleges by exploring the role of two-year institutions of higher education as STEM educators, providers of the foundational elements for people on the path to STEM careers and transitioning to four-year institutions in STEM degree programs.

The amendment will further task Federal agencies with engaging underrepresented groups in STEM and in engaging community colleges on opportunities to participate in STEM related research, curriculum and infrastructure.

I thank Congressman DANNY DAVIS for his leadership and am happy to join him on this amendment.

Ms. HIRONO. Madam Chair, I rise in strong support of H.R. 5116, the America COMPETES Reauthorization Act.

Three years ago, Congress passed the America Creating Opportunities to Meaningfully Promote Excellence in Technology Education and Science Act, or America COMPETES Act. Enactment of this law authorized funds over three years for the National Science Foundation, the National Institute of Standards and Technology, and certain math and science related programs within the Energy Department's Office of Science.

The 2007 law came about partly in reaction to a 2005 National Academies report that focused on American students' lagging performance in science and math compared with their peers in other developed countries. In passing this law, we realize then, as we do now, that failure to invest in our young people by improving science, technology, engineering, and math (STEM) education at all levels will have serious repercussions—not only in terms of workforce development but also in our ability to promote cutting-edge, innovative breakthroughs that will keep us competitive in the global economy.

As a cosponsor of H.R. 5116, I believe that America's economy can continue to grow and prosper if we act now to promote innovation and the development of new technology. This bill expands, strengthens, and aligns STEM education programs at all levels. It allows more schools to participate in the Robert Noyce Teacher Scholarship program, which trains highly competent secondary teachers in STEM fields to teach in high-need schools. It provides grants to increase the quantity and quality of students receiving undergraduate degrees in STEM and creates fellowships to develop the leadership skills of recent doctoral degree graduates in these fields. Importantly, H.R. 5116 promotes participation of women and minorities in STEM fields to strengthen and diversify our workforce.

The America COMPETES Reauthorization Act also creates a new program that provides loan guarantees to small- and medium-sized manufacturers for projects using innovative technologies or processes. In addition, this bill fosters innovation and basic research by supporting new regional innovation clusters, creating energy innovation hubs, and reauthorizing ARPA-E (the Advanced Research Projects Agency for Energy) to pursue high-risk, high-reward technology development.

Our nation has flourished from the dreams of pioneers who have turned innovative ideas into breakthrough technologies. Investing in STEM education, workforce development, and R&D will help spur economic growth and provide quality jobs for Americans in the 21st century.

I urge my colleagues to support this measure.

Mr. HALL of Texas. Madam Chairman, we have no further speakers, and I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 111-479. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “America COMPETES Reauthorization Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCIENCE AND TECHNOLOGY POLICY

Subtitle A—National Nanotechnology Initiative Amendments

Sec. 101. Short title.

Sec. 102. National nanotechnology program amendments.

Sec. 103. Societal dimensions of nanotechnology.

Sec. 104. Technology transfer.

Sec. 105. Research in areas of national importance.

Sec. 106. Nanomanufacturing research.

Sec. 107. Definitions.

Subtitle B—Networking and Information Technology Research and Development

Sec. 111. Short title.

Sec. 112. Program planning and coordination.

Sec. 113. Large-scale research in areas of national importance.

Sec. 114. Cyber-physical systems and information management.

Sec. 115. National Coordination Office.

Sec. 116. Improving networking and information technology education.

Sec. 117. Conforming and technical amendments.

Subtitle C—Other OSTP Provisions

Sec. 121. Federal scientific collections.

Sec. 122. Coordination of manufacturing research and development.

Sec. 123. Interagency public access committee.

Sec. 124. Fulfilling the potential of women in academic science and engineering.

TITLE II—NATIONAL SCIENCE FOUNDATION

Sec. 201. Short title.

Subtitle A—General Provisions

Sec. 211. Definitions.

Sec. 212. Authorization of appropriations.

Sec. 213. National Science Board administrative amendments.

Sec. 214. Broader impacts review criterion.

Sec. 215. National Center for Science and Engineering Statistics.

Sec. 216. Collection of data on demographics of faculty.

Subtitle B—Research and Innovation

Sec. 221. Support for potentially transformative research.

Sec. 222. Facilitating interdisciplinary collaborations for national needs.

Sec. 223. National Science Foundation manufacturing research and education.

Sec. 224. Strengthening institutional research partnerships.

Sec. 225. National Science Board report on mid-scale instrumentation.

Sec. 226. Sense of Congress on overall support for research infrastructure at the Foundation.

Sec. 227. Partnerships for innovation.

Sec. 228. Prize awards.

Subtitle C—STEM Education and Workforce Training

Sec. 241. Graduate student support.

Sec. 242. Postdoctoral fellowship in STEM education research.

Sec. 243. Robert Noyce teacher scholarship program.

Sec. 244. Institutions serving persons with disabilities.

Sec. 245. Institutional integration.

Sec. 246. Postdoctoral research fellowships.

Sec. 247. Broadening participation training and outreach.

Sec. 248. Transforming undergraduate education in STEM.

Sec. 249. 21st century graduate education.

Sec. 250. Undergraduate broadening participation program.

Sec. 251. Grand challenges in education research.

Sec. 252. Research experiences for undergraduates.

Sec. 253. Laboratory science pilot program.

Sec. 254. STEM industry internship programs.

Sec. 255. Tribal colleges and universities program.

TITLE III—STEM EDUCATION

Sec. 301. Coordination of Federal STEM education.

Sec. 302. Advisory committee on STEM education.

Sec. 303. STEM education at the Department of Energy.

Sec. 304. Green energy education.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 401. Short title.

Sec. 402. Authorization of appropriations.

Sec. 403. Under Secretary of Commerce for Standards and Technology.

Sec. 404. Reorganization of NIST laboratories.

Sec. 405. Federal Government standards and conformity assessment coordination.

Sec. 406. Manufacturing extension partnership.

Sec. 407. Bioscience research program.

Sec. 408. Emergency communication and tracking technologies research initiative.

Sec. 409. TIP Advisory Board.
 Sec. 410. Underrepresented minorities.
 Sec. 411. Cyber security standards and guidelines.
 Sec. 412. Definitions.

TITLE V—INNOVATION

Sec. 501. Office of Innovation and Entrepreneurship.
 Sec. 502. Federal loan guarantees for innovative technologies in manufacturing.
 Sec. 503. Regional innovation program.

TITLE VI—DEPARTMENT OF ENERGY

Subtitle A—Office of Science

Sec. 601. Short title.
 Sec. 602. Definitions.
 Sec. 603. Mission of the Office of Science.
 Sec. 604. Basic Energy Sciences Program.
 Sec. 605. Biological and Environmental Research Program.
 Sec. 606. Advanced Scientific Computing Research Program.
 Sec. 607. Fusion energy research program.
 Sec. 608. High Energy Physics Program.
 Sec. 609. Nuclear Physics Program.
 Sec. 610. Science Laboratories Infrastructure Program.
 Sec. 611. Authorization of appropriations.
 Subtitle B—Advanced Research Projects Agency-Energy

Sec. 621. Short title.
 Sec. 622. ARPA-E amendments.
 Subtitle C—Energy Innovation Hubs

Sec. 631. Short title.
 Sec. 632. Energy Innovation Hubs.

Subtitle D—Cooperative Research and Development Fund

Sec. 641. Short title.
 Sec. 642. Cooperative research and development fund.

TITLE VII—MISCELLANEOUS

Sec. 701. Sense of Congress.
 Sec. 702. Persons with disabilities.
 Sec. 703. Veterans and service members.

TITLE I—SCIENCE AND TECHNOLOGY POLICY

Subtitle A—National Nanotechnology Initiative Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the “National Nanotechnology Initiative Amendments Act of 2010”.

SEC. 102. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by striking section 2(c)(4) and inserting the following new paragraph:

“(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2010, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—

“(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;

“(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and

“(C) proposed research in areas of national importance in accordance with the requirements of section 105 of the National Nanotechnology Initiative Amendments Act of 2010;”;

(2) in section 2—

(A) in subsection (d)—

(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:

“(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);”;

(B) by inserting at the end the following new subsection:

“(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees.”;

(3) by striking section 3(b) and inserting the following new subsection:

“(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office’s total budget provided by each agency for each fiscal year shall be in the same proportion as the agency’s share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).

“(2) The annual report under section 2(d) shall include—

“(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

“(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

“(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.”;

(4) by inserting at the end of section 3 the following new subsection:

“(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 103(b) of the National Nanotechnology Initiative Amendments Act of 2010. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

“(A) education in formal settings;

“(B) education in informal settings;

“(C) public outreach; and

“(D) ethical, legal, and other societal issues.

“(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at

a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.”;

(5) in section 4(a)—

(A) by striking “or designate”;

(B) by inserting “as a distinct entity” after “Advisory Panel”; and

(C) by inserting at the end “The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).”;

(6) in section 4(b)—

(A) by striking “or designated” and “or designating”; and

(B) by adding at the end the following: “At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.”;

(7) by amending section 5 to read as follows:

“SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

“(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b) to be satisfied. Each triennial review shall include an evaluation of the—

“(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

“(2) effectiveness of the Program’s management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

“(3) Program’s scientific and technological accomplishments and its success in transferring technology to the private sector; and

“(4) adequacy of the Program’s activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

“(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program’s management and coordination processes and for changes to the Program’s objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2010.

“(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

“(1) \$500,000 for fiscal year 2010.

“(2) \$500,000 for fiscal year 2011.

“(3) \$500,000 for fiscal year 2012.”; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

“(2) NANOTECHNOLOGY.—The term ‘nanotechnology’ means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions.”; and

(B) by adding at the end the following new paragraph:

“(7) NANOSCALE.—The term ‘nanoscale’ means one or more dimensions of between approximately 1 and 100 nanometers.”.

SEC. 103. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sam-

pling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as “Nanotechnology Education Partnerships”.

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, \$5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, \$5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Education Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

SEC. 104. TECHNOLOGY TRANSFER.

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) **SELECTION AND CRITERIA.**—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept. The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) **USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.**—

(1) **PARTICIPATING AGENCIES.**—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2004 through fiscal year 2008; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.**—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) **TIP ADVISORY BOARD.**—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) **INDUSTRY LIAISON GROUPS.**—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufacturing, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) **COORDINATION WITH STATE INITIATIVES.**—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

“(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;”.

SEC. 105. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) **IN GENERAL.**—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

(b) **CHARACTERISTICS.**—

(1) **IN GENERAL.**—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) **PROCEDURES.**—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) **INTERDISCIPLINARY RESEARCH CENTERS.**—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) **REPORT.**—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

SEC. 106. NANOMANUFACTURING RESEARCH.

(a) **RESEARCH AREAS.**—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) **GREEN NANOTECHNOLOGY.**—Interdisciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 105(b)(3) of this subtitle shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

(c) **REVIEW OF NANOMANUFACTURING RESEARCH AND RESEARCH FACILITIES.**—

(1) **PUBLIC MEETING.**—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufacturing program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufacturing program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) **ADVISORY PANEL REVIEW.**—The Advisory Panel shall review the Nanomanufacturing program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufacturing program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any recommendations and a copy of the report prepared in accordance with paragraph (1).

SEC. 107. DEFINITIONS.

In this subtitle, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

Subtitle B—Networking and Information Technology Research and Development

SEC. 111. SHORT TITLE.

This subtitle may be cited as the “Networking and Information Technology Research and Development Act of 2010”.

SEC. 112. PROGRAM PLANNING AND COORDINATION.

(a) **PERIODIC REVIEWS.**—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following new subsection:

“(d) **PERIODIC REVIEWS.**—The agencies identified in subsection (a)(3)(B) shall—

“(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

“(2) ensure that the Program includes large-scale, long-term, interdisciplinary research and development activities, including activities described in section 104.”.

(b) **DEVELOPMENT OF STRATEGIC PLAN.**—Section 101 of such Act (15 U.S.C. 5511) is amended further by adding after subsection (d), as added by subsection (a) of this section, the following new subsection:

“(e) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—The agencies identified in subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the National Coordination Office established under section 102, shall develop, within 12 months after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, and update every 3 years thereafter, a 5-year strategic plan to guide the activities described under subsection (a)(1).

“(2) **CONTENTS.**—The strategic plan shall specify near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, the metrics to be used for assessing progress toward the objectives, and how the Program will—

“(A) foster the transfer of research and development results into new technologies and applications for the benefit of society, including through cooperation and collaborations with

networking and information technology research, development, and technology transition initiatives supported by the States;

“(B) encourage and support mechanisms for interdisciplinary research and development in networking and information technology, including through collaborations across agencies, across Program Component Areas, with industry, with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)), and with international organizations;

“(C) address long-term challenges of national importance for which solutions require large-scale, long-term, interdisciplinary research and development;

“(D) place emphasis on innovative and high-risk projects having the potential for substantial societal returns on the research investment;

“(E) strengthen all levels of networking and information technology education and training programs to ensure an adequate, well-trained workforce; and

“(F) attract more women and underrepresented minorities to pursue postsecondary degrees in networking and information technology.

“(3) **NATIONAL RESEARCH INFRASTRUCTURE.**—The strategic plan developed in accordance with paragraph (1) shall be accompanied by milestones and roadmaps for establishing and maintaining the national research infrastructure required to support the Program, including the roadmap required by subsection (a)(2)(E).

“(4) **RECOMMENDATIONS.**—The entities involved in developing the strategic plan under paragraph (1) shall take into consideration the recommendations—

“(A) of the advisory committee established under subsection (b); and

“(B) of the stakeholders whose input was solicited by the National Coordination Office, as required under section 102(b)(3).

“(5) **REPORT TO CONGRESS.**—The Director of the National Coordination Office shall transmit the strategic plan required under paragraph (1) to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.”.

(c) **ADDITIONAL RESPONSIBILITIES OF DIRECTOR.**—Section 101(a)(2) of such Act (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the strategic plan under subsection (e) is developed and executed effectively and that the objectives of the Program are met;”.

(d) **ADVISORY COMMITTEE.**—Section 101(b)(1) of such Act (15 U.S.C. 5511(b)(1)) is amended by inserting after “an advisory committee on high-performance computing,” the following: “in which the co-chairs shall be members of the President’s Council of Advisors on Science and Technology and with the remainder of the committee”.

(e) **REPORT.**—Section 101(a)(3) of such Act (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(B) by striking “each Program Component Area,” and inserting “each Program Component Area and research area supported in accordance with section 104,”;

(2) in subparagraph (D)—

(A) by striking “each Program Component Area,” and inserting “each Program Component Area and research area supported in accordance with section 104,”;

(B) by striking “is submitted,” and inserting “is submitted, the levels for the previous fiscal year,”; and

(C) by striking “and” after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following new subparagraphs:

“(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan required under subsection (e);

“(F) include—

“(i) a description of the funding required by the National Coordination Office to perform the functions specified under section 102(b) for the next fiscal year by category of activity;

“(ii) a description of the funding required by such Office to perform the functions specified under section 102(b) for the current fiscal year by category of activity; and

“(iii) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program; and”.

(f) **DEFINITION.**—Section 4 of such Act (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) ‘cyber-physical systems’ means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;”;

(3) in paragraph (4), as so redesignated—

(A) by striking “high-performance computing” and inserting “networking and information technology”; and

(B) by striking “supercomputer” and inserting “high-end computing”;;

(4) in paragraph (6), as so redesignated, by striking “network referred to as” and all that follows through the semicolon and inserting “network, including advanced computer networks of Federal agencies and departments;”;

(5) in paragraph (7), as so redesignated, by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”.

SEC. 113. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

Title I of such Act (15 U.S.C. 5511) is amended by adding at the end the following new section:

“SEC. 104. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

“(a) **IN GENERAL.**—The Program shall encourage agencies identified in section 101(a)(3)(B) to support large-scale, long-term, interdisciplinary research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging from basic research to the demonstration of technical solutions, shall be designed to advance the development of research discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

“(b) **CHARACTERISTICS.**—

“(1) **IN GENERAL.**—Research and development activities under this section shall—

“(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

“(B) involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;”

“(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

“(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

“(2) **COST-SHARING.**—In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

“(3) **AGENCY COLLABORATION.**—If 2 or more agencies identified in section 101(a)(3)(B), or other appropriate agencies, are working on large-scale research and development activities in the same area of national importance, then such agencies shall strive to collaborate through joint solicitation and selection of applications for support and subsequent funding of projects.

“(4) **INTERDISCIPLINARY RESEARCH CENTERS.**—Research and development activities under this section may be supported through interdisciplinary research centers that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing interdisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (Public Law 110-69; 42 U.S.C. 1862o-10).”

SEC. 114. CYBER-PHYSICAL SYSTEMS AND INFORMATION MANAGEMENT.

(a) **ADDITIONAL PROGRAM CHARACTERISTICS.**—Section 101(a)(1) of such Act (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking “and” after the semicolon;

(2) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

“(K) provide for research and development on human-computer interactions, visualization, and information management.”

(b) **TASK FORCE.**—Title I of such Act (15 U.S.C. 5511) is amended further by adding after section 104, as added by section 113 of this Act, the following new section:

“SEC. 105. UNIVERSITY/INDUSTRY TASK FORCE.

“(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office established under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems, including the related technologies required to enable these systems, through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

“(b) **FUNCTIONS.**—The task force shall—

“(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

“(2) propose a process for developing a research and development agenda for such entity, including objectives and milestones;

“(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

“(4) propose guidelines for assigning intellectual property rights and for the transfer of research results to the private sector; and

“(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

“(c) **COMPOSITION.**—In establishing the task force under subsection (a), the Director of the National Coordination Office shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, of which 2 may be selected from Federal laboratories.

“(d) **REPORT.**—Not later than 1 year after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.”

SEC. 115. NATIONAL COORDINATION OFFICE.

Section 102 of such Act (15 U.S.C. 5512) is amended to read as follows:

“SEC. 102. NATIONAL COORDINATION OFFICE.

“(a) **ESTABLISHMENT.**—The Director shall establish a National Coordination Office with a Director and full-time staff.

“(b) **FUNCTIONS.**—The National Coordination Office shall—

“(1) provide technical and administrative support to—

“(A) the agencies participating in planning and implementing the Program, including such support as needed in the development of the strategic plan under section 101(e); and

“(B) the advisory committee established under section 101(b);

“(2) serve as the primary point of contact on Federal networking and information technology activities for government organizations, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

“(3) solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan required under section 101(e) through the convening of at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

“(4) conduct public outreach, including the dissemination of findings and recommendations of the advisory committee, as appropriate; and

“(5) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry.

“(c) **SOURCE OF FUNDING.**—

“(1) **IN GENERAL.**—The operation of the National Coordination Office shall be supported by funds from each agency participating in the Program.

“(2) **SPECIFICATIONS.**—The portion of the total budget of such Office that is provided by each agency for each fiscal year shall be in the same proportion as each such agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 101(a)(3).”

SEC. 116. IMPROVING NETWORKING AND INFORMATION TECHNOLOGY EDUCATION.

Section 201(a) of such Act (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and

to increase participation in networking and information technology fields, including by women and underrepresented minorities;”

SEC. 117. CONFORMING AND TECHNICAL AMENDMENTS.

(a) **SECTION 3.**—Section 3 of such Act (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking “high-performance computing” and inserting “networking and information technology”;

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking “high-performance computing” and inserting “networking and information technology”;

(3) in subparagraphs (A) and (F) of paragraph (1), by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(4) in paragraph (2)—

(A) by striking “high-performance computing and” and inserting “networking and information technology and”; and

(B) by striking “high-performance computing network” and inserting “networking and information technology”.

(b) **TITLE I.**—The heading of title I of such Act (15 U.S.C. 5511) is amended by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”.

(c) **SECTION 101.**—Section 101 of such Act (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “**NATIONAL HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**”;

(B) in paragraph (1) of such subsection—

(i) in the matter preceding subparagraph (A), by striking “National High-Performance Computing Program” and inserting “networking and information technology research and development program”;

(ii) in subparagraph (A), by striking “high-performance computing, including networking” and inserting “networking and information technology”;

(iii) in subparagraphs (B), (C), and (G), by striking “high-performance” each place it appears and inserting “high-end”; and

(C) in paragraph (2) of such subsection—

(i) in subparagraphs (A) and (C)—

(I) by striking “high-performance computing” each place it appears and inserting “networking and information technology”; and

(II) by striking “development, networking,” each place it appears and inserting “development,”; and

(ii) in subparagraphs (F) and (G), as redesignated by section 112(c)(1) of this Act, by striking “high-performance” each place it appears and inserting “high-end”;

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “high-performance computing” both places it appears and inserting “networking and information technology”; and

(4) in subsection (c)(1)(A), by striking “high-performance computing” and inserting “networking and information technology”.

(d) **SECTION 201.**—Section 201(a)(1) of such Act (15 U.S.C. 5521(a)(1)) is amended by striking “high-performance computing” and all that follows through “networking;” and inserting “networking and information research and development;”

(e) **SECTION 202.**—Section 202(a) of such Act (15 U.S.C. 5522(a)) is amended by striking “high-performance computing” and inserting “networking and information technology”.

(f) **SECTION 203.**—Section 203(a)(1) of such Act (15 U.S.C. 5523(a)(1)) is amended by striking “high-performance computing and networking”

and inserting “networking and information technology”.

(g) SECTION 204.—Section 204(a)(1) of such Act (15 U.S.C. 5524(a)(1)) is amended—

(1) in subparagraph (A), by striking “high-performance computing systems and networks” and inserting “networking and information technology systems and capabilities”; and

(2) in subparagraph (C), by striking “high-performance computing” and inserting “networking and information technology”.

(h) SECTION 205.—Section 205(a) of such Act (15 U.S.C. 5525(a)) is amended by striking “computational” and inserting “networking and information technology”.

(i) SECTION 206.—Section 206(a) of such Act (15 U.S.C. 5526(a)) is amended by striking “computational research” and inserting “networking and information technology research”.

(j) SECTION 208.—Section 208 of such Act (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking “**HIGH-PERFORMANCE COMPUTING**” and inserting “**NETWORKING AND INFORMATION TECHNOLOGY**”; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “High-performance computing and associated” and inserting “Networking and information”;;

(B) in paragraph (2), by striking “high-performance computing” and inserting “networking and information technologies”;;

(C) in paragraph (4), by striking “high-performance computers and associated” and inserting “networking and information”; and

(D) in paragraph (5), by striking “high-performance computing and associated” and inserting “networking and information”.

Subtitle C—Other OSTP Provisions

SEC. 121. FEDERAL SCIENTIFIC COLLECTIONS.

(a) MANAGEMENT OF SCIENTIFIC COLLECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of formal policies for the management and use of Federal scientific collections to improve the quality, organization, access, including online access, and long-term preservation of such collections for the benefit of the scientific enterprise.

(b) DEFINITION.—For the purposes of this section, the term “scientific collection” means a set of physical specimens, living or inanimate, created for the purpose of supporting science and serving as a long-term research asset, rather than for their market value as collectibles or their historical, artistic, or cultural significance.

(c) CLEARINGHOUSE.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of an online clearinghouse for information on the contents of and access to Federal scientific collections.

(d) DISPOSAL OF COLLECTIONS.—The policies developed under subsection (a) shall—

(1) require that, before disposing of a scientific collection, a Federal agency shall—

(A) conduct a review of the research value of the collection; and

(B) consult with researchers who have used the collection, and other potentially interested parties, concerning—

(i) the collection’s value for research purposes; and

(ii) possible additional educational uses for the collection; and

(2) include procedures for Federal agencies to transfer scientific collections they no longer need to researchers at institutions or other entities qualified to manage the collections.

(e) COST PROJECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall develop a common set of methodologies to be used by Federal agencies for the assessment and projection of costs associated with the management and preservation of their scientific collections.

SEC. 122. COORDINATION OF MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COMMITTEE.—The Director of the Office of Science and Technology Policy shall establish or designate an interagency committee under the National Science and Technology Council with the responsibility for planning and coordinating Federal programs and activities in manufacturing research and development.

(b) RESPONSIBILITIES OF COMMITTEE.—The interagency committee established or designated under subsection (a) shall—

(1) coordinate the manufacturing research and development programs and activities of the Federal agencies;

(2) establish goals and priorities for manufacturing research and development that will strengthen United States manufacturing; and

(3) develop and update every 5 years thereafter a strategic plan to guide Federal programs and activities in support of manufacturing research and development, which shall—

(A) specify and prioritize near-term and long-term research and development objectives, the anticipated time frame for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

(B) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the objectives of the strategic plan; and

(C) describe how the Federal agencies supporting manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies, processes, and products for the benefit of society and the national interest.

(c) RECOMMENDATIONS.—In the development of the strategic plan required under subsection (b)(3), the Director of the Office of Science and Technology Policy, working through the interagency committee, shall take into consideration the recommendations of a wide range of stakeholders, including representatives from diverse manufacturing companies, academia, and other relevant organizations and institutions.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit the strategic plan developed under subsection (b)(3) to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives, and shall transmit subsequent updates to those committees when completed.

SEC. 123. INTERAGENCY PUBLIC ACCESS COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a working group under the National Science and Technology Council with the responsibility to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

(b) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) coordinate the development or designation of uniform standards for research data, the structure of full text and metadata, navigation tools, and other applications to achieve interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards;

(2) coordinate Federal science agency programs and activities that support research and education on tools and systems required to ensure preservation and stewardship of all forms of digital research data, including scholarly publications;

(3) work with international science and technology counterparts to maximize interoper-

ability between United States based unclassified research databases and international databases and repositories;

(4) solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including universities, nonprofit and for-profit publishers, libraries, federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research; and

(5) establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to maximize uniformity of such policies with respect to their benefit to, and potential economic or other impact on, the science and engineering enterprise and the stakeholders thereof.

(c) PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to affect any right under the provisions of title 17 or 35, United States Code.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit a report to Congress describing—

(1) any priorities established under subsection (b)(5);

(2) the status of any Federal science agency policies related to public access to the results of federally funded research; and

(3) how any policies developed or being developed by Federal science agencies, as described in paragraph (2), incorporate input from the non-Federal stakeholders described in subsection (b)(4).

(e) DEFINITION.—For the purposes of this section, the term “Federal science agency” means any Federal agency with an annual extramural research expenditure of over \$100,000,000.

SEC. 124. FULFILLING THE POTENTIAL OF WOMEN IN ACADEMIC SCIENCE AND ENGINEERING.

(a) DEFINITION.—In this section, the term “Federal science agency” means any Federal agency that is responsible for at least 2 percent of total Federal research and development funding to institutions of higher education, according to the most recent data available from the National Science Foundation.

(b) WORKSHOPS TO ENHANCE GENDER EQUITY IN ACADEMIC SCIENCE AND ENGINEERING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy for all Federal science agencies to carry out a program of workshops that educate program officers, members of grant review panels, institution of higher education STEM department chairs, and other federally funded researchers about methods that minimize the effects of gender bias in evaluation of Federal research grants and in the related academic advancement of actual and potential recipients of these grants, including hiring, tenure, promotion, and selection for any honor based in part on the recipient’s research record.

(2) INTERAGENCY COORDINATION.—The Director of the Office of Science and Technology Policy shall ensure that programs of workshops across the Federal science agencies are coordinated and supported jointly as appropriate. As part of this process, the Director of the Office of Science and Technology Policy shall ensure that at least 1 workshop is supported every 2 years among the Federal science agencies in each of the major science and engineering disciplines supported by those agencies.

(3) ORGANIZATIONS ELIGIBLE TO CARRY OUT WORKSHOPS.—Federal science agencies may carry out the program of workshops under this subsection by making grants to eligible organizations. In addition to any other organizations made eligible by the Federal science agencies, the following organizations are eligible for grants under this subsection:

(A) Nonprofit scientific and professional societies and organizations that represent one or more STEM disciplines.

(B) Nonprofit organizations that have the primary mission of advancing the participation of women in STEM.

(4) CHARACTERISTICS OF WORKSHOPS.—The workshops shall have the following characteristics:

(A) Invitees to workshops shall include at least—

(i) the chairs of departments in the relevant discipline from at least the top 50 institutions of higher education, as determined by the amount of Federal research and development funds obligated to each institution of higher education in the prior year based on data available from the National Science Foundation;

(ii) members of any standing research grant review panel appointed by the Federal science agencies in the relevant discipline;

(iii) in the case of science and engineering disciplines supported by the Department of Energy, the individuals from each of the Department of Energy National Laboratories with personnel management responsibilities comparable to those of an institution of higher education department chair; and

(iv) Federal science agency program officers in the relevant discipline, other than program officers that participate in comparable workshops organized and run specifically for that agency's program officers.

(B) Activities at the workshops shall include research presentations and interactive discussions or other activities that increase the awareness of the existence of gender bias in the grant-making process and the development of the academic record necessary to qualify as a grant recipient, including recruitment, hiring, tenure review, promotion, and other forms of formal recognition of individual achievement, and provide strategies to overcome such bias.

(C) Research presentations and other workshop programs, as appropriate, shall include a discussion of the unique challenges faced by women who are members of historically underrepresented groups.

(D) Workshop programs shall include information on best practices and the value of mentoring undergraduate and graduate women students as well as outreach to girls earlier in their STEM education.

(5) REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the effectiveness of the program carried out under this subsection to reduce gender bias towards women engaged in research funded by the Federal Government. The Director of the Office of Science and Technology Policy shall include in this report any recommendations for improving the evaluation process described in subparagraph (B).

(B) MINIMUM CRITERIA FOR EVALUATION.—In determining the effectiveness of the program, the Director of the Office of Science and Technology Policy shall consider, at a minimum—

(i) the rates of participation by invitees in the workshops authorized under this subsection;

(ii) the results of attitudinal surveys conducted on workshop participants before and after the workshops;

(iii) any relevant institutional policy or practice changes reported by participants; and

(iv) for individuals described in paragraph (4)(A)(i) or (iii) who participated in at least 1 workshop 3 or more years prior to the due date for the report, trends in the data for the department represented by the chair or employee including faculty data related to gender as described in section 216.

(C) INSTITUTIONAL ATTENDANCE AT WORKSHOPS.—As part of the report under subpara-

graph (A), the Director of the Office of Science and Technology Policy shall include a list of institutions of higher education science and engineering departments whose representatives attended the workshops required under this subsection.

(6) MINIMIZING COSTS.—To the extent practicable, workshops shall be held in conjunction with national or regional disciplinary meetings to minimize costs associated with participant travel.

(c) EXTENDED RESEARCH GRANT SUPPORT AND INTERIM TECHNICAL SUPPORT FOR CAREGIVERS.—

(1) POLICIES FOR CAREGIVERS.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy to—

(A) extend the period of grant support for federally funded researchers who have caregiving responsibilities; and

(B) provide funding for interim technical staff support for federally funded researchers who take a leave of absence for caregiving responsibilities.

(2) REPORT.—Upon developing the policy required under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the policy to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(d) COLLECTION OF DATA ON FEDERAL RESEARCH GRANTS.—

(1) IN GENERAL.—Each Federal science agency shall collect standardized annual composite information on demographics, field, award type and budget request, review score, and funding outcome for all applications for research and development grants to institutions of higher education supported by that agency.

(2) REPORTING OF DATA.—

(A) The Director of the Office of Science and Technology Policy shall establish a policy to ensure uniformity and standardization of data collection required under paragraph (1).

(B) Not later than 2 years after the date of enactment of this Act, and annually thereafter, each Federal science agency shall submit data collected under paragraph (1) to the National Science Foundation.

(C) The National Science Foundation shall be responsible for storing and publishing all of the grant data submitted under subparagraph (B) in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

TITLE II—NATIONAL SCIENCE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the “National Science Foundation Authorization Act of 2010”.

Subtitle A—General Provisions

SEC. 211. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term “Foundation” means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) STATE.—The term “State” means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(5) STEM.—The term “STEM” means science, technology, engineering, and mathematics.

(6) UNITED STATES.—The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$7,481,000,000 for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$6,020,000,000 shall be made available for research and related activities;

(B) \$945,000,000 shall be made available for education and human resources;

(C) \$166,000,000 shall be made available for major research equipment and facilities construction;

(D) \$330,000,000 shall be made available for agency operations and award management;

(E) \$4,840,000 shall be made available for the Office of the National Science Board; and

(F) \$14,830,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$8,127,000,000 for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$6,496,000,000 shall be made available for research and related activities;

(B) \$1,020,000,000 shall be made available for education and human resources;

(C) \$235,000,000 shall be made available for major research equipment and facilities construction;

(D) \$356,000,000 shall be made available for agency operations and award management;

(E) \$5,010,000 shall be made available for the Office of the National Science Board; and

(F) \$15,350,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$8,764,000,000 for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$7,009,000,000 shall be made available for research and related activities;

(B) \$1,100,000,000 shall be made available for education and human resources;

(C) \$250,000,000 shall be made available for major research equipment and facilities construction;

(D) \$384,000,000 shall be made available for agency operations and award management;

(E) \$5,180,000 shall be made available for the Office of the National Science Board; and

(F) \$15,890,000 shall be made available for the Office of Inspector General.

(d) FISCAL YEAR 2014.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation \$9,436,000,000 for fiscal year 2014.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$7,562,000,000 shall be made available for research and related activities;

(B) \$1,187,000,000 shall be made available for education and human resources;

(C) \$250,000,000 shall be made available for major research equipment and facilities construction;

(D) \$415,000,000 shall be made available for agency operations and award management;

(E) \$5,370,000 shall be made available for the Office of the National Science Board; and

(F) \$16,440,000 shall be made available for the Office of Inspector General.

(e) FISCAL YEAR 2015.—

(1) *IN GENERAL.*—There are authorized to be appropriated to the Foundation \$10,161,000,000 for fiscal year 2015.

(2) *SPECIFIC ALLOCATIONS.*—Of the amount authorized under paragraph (1)—

(A) \$8,160,000,000 shall be made available for research and related activities;

(B) \$1,281,000,000 shall be made available for education and human resources;

(C) \$250,000,000 shall be made available for major research equipment and facilities construction;

(D) \$447,000,000 shall be made available for agency operations and award management;

(E) \$5,550,000 shall be made available for the Office of the National Science Board; and

(F) \$17,020,000 shall be made available for the Office of Inspector General.

SEC. 213. NATIONAL SCIENCE BOARD ADMINISTRATIVE AMENDMENTS.

(a) *STAFFING AT THE NATIONAL SCIENCE BOARD.*—Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking “not more than 5”.

(b) *SCIENCE AND ENGINEERING INDICATORS DUE DATE.*—Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) is amended by striking “January 15” and inserting “May 31”.

(c) *NATIONAL SCIENCE BOARD REPORTS.*—Section 4(j)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(2)) is amended by inserting “within the authority of the Foundation (or otherwise as requested by the appropriate Congressional committees of jurisdiction or the President)” after “individual policy matters”.

(d) *BOARD ADHERENCE TO SUNSHINE ACT.*—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-5(a)) is amended—

(1) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in paragraph (3), as so redesignated by paragraph (1) of this subsection—

(A) by striking “February 15” and inserting “April 15”; and

(B) by striking “the audit required under paragraph (3) along with” and inserting “any”; and

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by striking “To facilitate the audit required under paragraph (3) of this subsection, the” and inserting “The”.

SEC. 214. BROADER IMPACTS REVIEW CRITERION.

(a) *GOALS.*—The Foundation shall apply a Broader Impacts Review Criterion to achieve the following goals:

(1) Increased economic competitiveness of the United States.

(2) Development of a globally competitive STEM workforce.

(3) Increased participation of women and underrepresented minorities in STEM.

(4) Increased partnerships between academia and industry.

(5) Improved pre-K-12 STEM education and teacher development.

(6) Improved undergraduate STEM education.

(7) Increased public scientific literacy.

(8) Increased national security.

(b) *POLICY.*—Not later than 6 months after the date of enactment of this Act, the Director shall develop and implement a policy for the Broader Impacts Review Criterion that—

(1) provides for educating professional staff at the Foundation, merit review panels, and applicants for Foundation research grants on the policy developed under this subsection;

(2) clarifies that the activities of grant recipients undertaken to satisfy the Broader Impacts Review Criterion shall—

(A) to the extent practicable employ proven strategies and models and draw on existing programs and activities; and

(B) when novel approaches are justified, build on the most current research results;

(3) allows for some portion of funds allocated to broader impacts under a research grant to be used for assessment and evaluation of the broader impacts activity;

(4) encourages institutions of higher education and other nonprofit education or research organizations to develop and provide, either as individual institutions or in partnerships thereof, appropriate training and programs to assist Foundation-funded principal investigators at their institutions in achieving the goals of the Broader Impacts Review Criterion as described in subsection (a); and

(5) requires principal investigators applying for Foundation research grants to provide evidence of institutional support for the portion of the investigator's proposal designed to satisfy the Broader Impacts Review Criterion, including evidence of relevant training, programs, and other institutional resources available to the investigator from either their home institution or organization or another institution or organization with relevant expertise.

SEC. 215. NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.

(a) *ESTABLISHMENT.*—There is established within the Foundation a National Center for Science and Engineering Statistics (in this section referred to as the “Center”), that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) *DUTIES.*—In carrying out subsection (a) of this section, the Director, acting through the Center shall—

(1) collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on—

(A) research and development trends;

(B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) *STATISTICAL REPORTS.*—The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4 (j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

SEC. 216. COLLECTION OF DATA ON DEMOGRAPHICS OF FACULTY.

(a) *COLLECTION OF DATA.*—The Director shall report, in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 191885d), statistical summary data on the demographics of STEM discipline faculty at institutions of higher education in the United States. At a minimum, the Director shall consider—

(1) the number and percent of faculty by gender, race, and age;

(2) the number and percent of faculty at each rank, by gender, race, and age;

(3) the number and percent of faculty who are in nontenure-track positions, including teaching and research, by gender, race, and age;

(4) the number of faculty who are reviewed for promotion, including tenure, and the percentage of that number who are promoted, by gender, race, and age;

(5) faculty years in rank by gender, race, and age;

(6) faculty attrition by gender, race, and age;

(7) the number and percent of faculty hired by rank, gender, race, and age; and

(8) the number and percent of faculty in leadership positions, including endowed or named chairs, serving on promotion and tenure committees, by gender, race, and age.

(b) *RECOMMENDATIONS.*—The Director shall solicit input and recommendations from relevant stakeholders, including representatives from institutions of higher education and nonprofit organizations, on the collection of data required under subsection (a), including the development of standard definitions on the terms and categories to be used in the collection of such data.

(c) *REPORT TO CONGRESS.*—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to Congress on how the Foundation will gather the demographic data on STEM faculty, including—

(1) a description of the data to be reported and the sources of those data;

(2) justification for the exclusion of any data described in paragraph (1); and

(3) a list of the definitions for the terms and categories, such as “faculty” and “leadership positions”, to be applied in the reporting of all data described in paragraph (1).

Subtitle B—Research and Innovation

SEC. 221. SUPPORT FOR POTENTIALLY TRANSFORMATIVE RESEARCH.

(a) *POLICY.*—The Director shall establish a policy that requires the Foundation to use at least 5 percent of its research budget to fund high-risk, high-reward basic research proposals. Support for facilities and infrastructure, including preconstruction design and operations and maintenance of major research facilities, shall not be counted as part of the research budget for the purposes of this section.

(b) *IMPLEMENTATION.*—In implementing such policy, the Foundation may—

(1) develop solicitations specifically for high-risk, high-reward basic research;

(2) establish review panels for the primary purpose of selecting high-risk, high-reward proposals or modify instructions to standard review panels to require identification of high-risk, high-reward proposals; and

(3) support workshops and participate in conferences with the primary purpose of identifying new opportunities for high-risk, high-reward basic research, especially at interdisciplinary interfaces.

(c) *DEFINITION.*—For purposes of this section, the term “high-risk, high-reward basic research” means research driven by ideas that have the potential to radically change our understanding of an important existing scientific or engineering concept, or leading to the creation of a new paradigm or field of science or engineering, and that is characterized by its challenge to current understanding or its pathway to new frontiers.

SEC. 222. FACILITATING INTERDISCIPLINARY COLLABORATIONS FOR NATIONAL NEEDS.

(a) *IN GENERAL.*—The Director shall award competitive, merit-based awards in amounts not to exceed \$5,000,000 over a period of up to 5 years to interdisciplinary research collaborations that are likely to assist in addressing critical challenges to national security, competitiveness, and societal well-being and that—

(1) involve at least 2 co-equal principal investigators at the same or different institutions;

(2) draw upon well-integrated, diverse teams of investigators, including students or postdoctoral researchers, from one or more disciplines; and

(3) foster creativity and pursue high-risk, high-reward research.

(b) *PRIORITY.*—In selecting grant recipients under this section, the Director shall give priority to applicants that propose to utilize advances in cyberinfrastructure and simulation-based science and engineering.

SEC. 223. NATIONAL SCIENCE FOUNDATION MANUFACTURING RESEARCH AND EDUCATION.

(a) **MANUFACTURING RESEARCH.**—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to support fundamental research leading to transformative advances in manufacturing technologies, processes, and enterprises that will support United States manufacturing through improved performance, productivity, sustainability, and competitiveness. Research areas may include—

- (1) nanomanufacturing;
- (2) manufacturing and construction machines and equipment, including robotics, automation, and other intelligent systems;
- (3) manufacturing enterprise systems;
- (4) advanced sensing and control techniques;
- (5) materials processing; and
- (6) information technologies for manufacturing, including predictive and real-time models and simulations, and virtual manufacturing.

(b) **MANUFACTURING EDUCATION.**—In order to help ensure a well-trained manufacturing workforce, the Director shall award grants to strengthen and expand scientific and technical education and training in advanced manufacturing, including through the Foundation's Advanced Technological Education program.

SEC. 224. STRENGTHENING INSTITUTIONAL RESEARCH PARTNERSHIPS.

(a) **IN GENERAL.**—For any Foundation research grant, in an amount greater than \$2,000,000, to be carried out through a partnership that includes one or more minority-serving institutions or predominantly undergraduate institutions and one or more institutions described in subsection (b), the Director shall award funds directly, according to the budget justification described in the grant proposal, to at least two of the institutions of higher education in the partnership, including at least one minority-serving institution or one predominantly undergraduate institution, to ensure a strong and equitable partnership.

(b) **INSTITUTIONS.**—The institutions referred to in subsection (a) are institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation.

SEC. 225. NATIONAL SCIENCE BOARD REPORT ON MID-SCALE INSTRUMENTATION.

(a) **MID-SCALE RESEARCH INSTRUMENTATION NEEDS.**—The National Science Board shall evaluate the needs, across all disciplines supported by the Foundation, for mid-scale research instrumentation that falls between the instruments funded by the Major Research Instrumentation program and the very large projects funded by the Major Research Equipment and Facilities Construction program.

(b) **REPORT ON MID-SCALE RESEARCH INSTRUMENTATION PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the National Science Board shall submit to Congress a report on mid-scale research instrumentation at the Foundation. At a minimum, this report shall include—

(1) the findings from the Board's evaluation of instrumentation needs required under subsection (a), including a description of differences across disciplines and Foundation research directorates;

(2) a recommendation or recommendations regarding how the Foundation should set priorities for mid-scale instrumentation across disciplines and Foundation research directorates;

(3) a recommendation or recommendations regarding the appropriateness of expanding existing programs, including the Major Research Instrumentation program or the Major Research Equipment and Facilities Construction program, to support more instrumentation at the mid-scale;

(4) a recommendation or recommendations regarding the need for and appropriateness of a

new, Foundation-wide program or initiative in support of mid-scale instrumentation, including any recommendations regarding the administration of and budget for such a program or initiative and the appropriate scope of instruments to be funded under such a program or initiative; and

(5) any recommendation or recommendations regarding other options for supporting mid-scale research instrumentation at the Foundation.

SEC. 226. SENSE OF CONGRESS ON OVERALL SUPPORT FOR RESEARCH INFRASTRUCTURE AT THE FOUNDATION.

It is the sense of Congress that the Foundation should strive to keep the percentage of the Foundation budget devoted to research infrastructure in the range of 24 to 27 percent, as recommended in the 2003 National Science Board report entitled "Science and Engineering Infrastructure for the 21st Century".

SEC. 227. PARTNERSHIPS FOR INNOVATION.

(a) **IN GENERAL.**—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to establish and to expand partnerships that promote innovation and increase the economic and social impact of research by developing tools and resources to connect new scientific discoveries to practical uses.

(b) **PARTNERSHIPS.**—

(1) **IN GENERAL.**—To be eligible for funding under this section, an institution of higher education must propose establishment of a partnership that—

(A) includes at least one private sector entity; and

(B) may include other institutions of higher education, public sector institutions, private sector entities, and social enterprise nonprofit organizations.

(2) **PRIORITY.**—In selecting grant recipients under this section, the Director shall give priority to partnerships that include one or more institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation and at least one of the following:

(A) A minority serving institution.

(B) A primarily undergraduate institution.

(C) A 2-year institution of higher education.

(c) **PROGRAM.**—Proposals funded under this section shall seek to—

(1) increase the economic or social impact of the most promising research at the institution or institutions of higher education that are members of the partnership through knowledge transfer or commercialization;

(2) increase the engagement of faculty and students across multiple disciplines and departments, including faculty and students in schools of business and other appropriate non-STEM fields and disciplines in knowledge transfer activities;

(3) enhance education and mentoring of students and faculty in innovation and entrepreneurship through networks, courses, and development of best practices and curricula;

(4) strengthen the culture of the institution or institutions of higher education to undertake and participate in activities related to innovation and leading to economic or social impact;

(5) broaden the participation of all types of institutions of higher education in activities to meet STEM workforce needs and promote innovation and knowledge transfer; and

(6) build lasting partnerships with local and regional businesses, local and State governments, and other relevant entities.

(d) **ADDITIONAL CRITERIA.**—In selecting grant recipients under this section, the Director shall also consider the extent to which the applicants are able to demonstrate evidence of institutional support for, and commitment to—

(1) achieving the goals of the program as described in subsection (c);

(2) expansion to an institution-wide program if the initial proposal is not for an institution-wide program; and

(3) sustaining any new innovation tools and resources generated from funding under this program.

(e) **LIMITATION.**—No funds provided under this section may be used to construct or renovate a building or structure.

SEC. 228. PRIZE AWARDS.

(a) **SHORT TITLE.**—This section may be cited as the "Generating Extraordinary New Innovations in the United States Act of 2010".

(b) **IN GENERAL.**—The Director shall carry out a pilot program to award innovation inducement cash prizes in any area of research supported by the Foundation. The Director may carry out a program of cash prizes only in conformity with this section.

(c) **TOPICS.**—In identifying topics for prize competitions under this section, the Director shall—

(1) consult widely both within and outside the Federal Government;

(2) give priority to high-risk, high-reward research challenges and to problems whose solution could improve the economic competitiveness of the United States; and

(3) give consideration to the extent to which the topics have the potential to raise public awareness about federally sponsored research.

(d) **TYPES OF CONTESTS.**—The Director shall consider all categories of innovation inducement prizes, including—

(1) contests in which the award is to the first team or individual who accomplishes a stated objective; and

(2) contests in which the winner is the team or individual who comes closest to achieving an objective within a specified time.

(e) **ADVERTISING AND ANNOUNCEMENT.**—

(1) **ADVERTISING AND SOLICITATION OF COMPETITORS.**—The Director shall widely advertise prize competitions to encourage broad participation, including by individuals, institutions of higher education, nonprofit organizations, and businesses.

(2) **ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.**—The Director shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize, including the method by which the prize winner or winners will be selected.

(3) **TIME TO ANNOUNCEMENT.**—The Director shall announce a prize competition within 18 months after receipt of appropriated funds.

(f) **FUNDING.**—

(1) **FUNDING SOURCES.**—Prizes under this section shall consist of Federal appropriated funds and any funds raised pursuant to donations authorized under section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) for specific prize competitions.

(2) **ANNOUNCEMENT OF PRIZES.**—The Director may not issue a notice as required by subsection (e)(2) until all of the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by another entity pursuant to paragraph (1).

(g) **ELIGIBILITY.**—To be eligible to win a prize under this section, an individual or entity—

(1) shall have complied with all of the requirements under this section;

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence;

(3) shall not be a Federal entity, a Federal employee acting within the scope of his or her

employment, or a person employed at a Federal laboratory acting within the scope of his or her employment; and

(4) shall not have utilized Federal funds to engage in the research for which the prize is being awarded.

(h) AWARDS.—

(1) NUMBER OF COMPETITIONS.—The Director may announce up to 5 prize competitions through the end of fiscal year 2013.

(2) SIZE OF AWARD.—The Director may determine the amount of each prize award based on the prize topic, but no award shall be less than \$1,000,000 or greater than \$3,000,000.

(3) SELECTING WINNERS.—The Director may convene an expert panel to select a winner of a prize competition. If the panel is unable to select a winner, the Director shall determine the winner of the prize.

(4) PUBLIC OUTREACH.—The Director shall publicly award prizes utilizing the Foundation's existing public affairs and public outreach resources.

(i) ADMINISTERING THE COMPETITION.—The Director may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(j) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this section, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this section. This subsection shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this section.

(k) LIABILITY.—The Director may require a registered participant in a prize competition under this section to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(l) NONSUBSTITUTION.—Any programs created under this section shall not be considered a substitute for Federal research and development programs.

(m) REPORTING REQUIREMENT.—Not later than 5 years after the date of enactment of this Act, the National Science Board shall transmit to Congress a report containing the results of a review and assessment of the pilot program under this section, including—

(1) a description of the nature and status of all completed or ongoing prize competitions carried out under this section, including any scientific achievements, publications, intellectual property, or commercialized technology that resulted from such competitions;

(2) any recommendations regarding changes to, the termination of, or continuation of the pilot program;

(3) an analysis of whether the program is attracting contestants more diverse than the Foundation's traditional academic constituency;

(4) an analysis of whether public awareness of innovation or of the goal of the particular prize or prizes is enhanced;

(5) an analysis of whether the Foundation's public image or ability to increase public scientific literacy is enhanced through the use of innovation inducement prizes; and

(6) an analysis of the extent to which private funds are being used to support registered participants.

(n) EARLY TERMINATION OF CONTESTS.—The Director shall terminate a prize contest before any registered participant wins if the Director determines that an unregistered entity has produced an innovation that would otherwise have qualified for the prize award.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—

(A) AWARDS.—There are authorized to be appropriated to the Director for the period encompassing fiscal years 2011 through 2013 \$12,000,000 for carrying out this section.

(B) ADMINISTRATION.—Of the amounts authorized in subparagraph (A), not more than 15 percent for each fiscal year shall be available for the administrative costs of carrying out this section.

(2) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes as authorized by law only after the expiration of 7 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

Subtitle C—STEM Education and Workforce Training

SEC. 241. GRADUATE STUDENT SUPPORT.

(a) FINDING.—The Congress finds that—

(1) the Integrative Graduate Education and Research Traineeship program is an important program for training the next generation of scientists and engineers in team-based interdisciplinary research and problem solving, and for providing them with the many additional skills, such as communication skills, needed to thrive in diverse STEM careers; and

(2) the Integrative Graduate Education and Research Traineeship program is no less valuable to the preparation and support of graduate students than the Foundation's Graduate Research Fellowship program.

(b) EQUAL TREATMENT OF IGERT AND GRF.—Beginning in fiscal year 2011, the Director shall increase or, if necessary, decrease funding for the Foundation's Integrative Graduate Education and Research Traineeship program (or any program by which it is replaced) at least at the same rate as it increases or decreases funding for the Graduate Research Fellowship program.

(c) SUPPORT FOR GRADUATE STUDENT RESEARCH FROM THE RESEARCH ACCOUNT.—For each of the fiscal years 2011 through 2015, at least 50 percent of the total Foundation funds allocated to the Integrative Graduate Education and Research Traineeship program and the Graduate Research Fellowship program shall come from funds appropriated for Research and Related Activities.

(d) COST OF EDUCATION ALLOWANCE FOR GRF PROGRAM.—Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended—

(1) by inserting “(a)” before “The Foundation is authorized”; and

(2) by adding at the end the following new subsection:

“(b) The Director shall establish for each year the amount to be awarded for scholarships and fellowships under this section for that year. Each such scholarship and fellowship shall include a cost of education allowance of \$12,000, subject to any restrictions on the use of cost of education allowance as determined by the Director.”

SEC. 242. POSTDOCTORAL FELLOWSHIP IN STEM EDUCATION RESEARCH.

(a) IN GENERAL.—The Director shall establish postdoctoral fellowships in STEM education research to provide recent doctoral degree graduates in STEM fields with the necessary skills to assume leadership roles in STEM education research, program development, and evaluation in our Nation's diverse educational institutions.

(b) AWARDS.—

(1) DURATION.—Fellowships may be awarded under this section for a period of up to 24 months in duration, renewable for an additional 12 months. The Director shall establish criteria for eligibility for renewal of the fellowship.

(2) STIPEND.—The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(3) LOCATION.—A fellowship shall be awarded for research at any institution of higher education that offers degrees in fields supported by the Foundation, or at any institution or organization that the Director determines is eligible for education research grants from the Foundation.

(4) NUMBER OF AWARDS.—The Director may award up to 20 new fellowships per year.

(c) RESEARCH.—Fellowships under this section shall be awarded for research on STEM education at any educational level, including grades pre-K-12, undergraduate, graduate, and general public education, in both formal and informal settings. Research topics may include—

(1) learning processes and progressions;

(2) knowledge transfer, including curriculum development;

(3) uses of technology as teaching and learning tools;

(4) integrating STEM fields; and

(5) assessment of student learning and program evaluation.

(d) ELIGIBILITY.—To be eligible for a fellowship under this section, an individual must—

(1) be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application; and

(2) have received a doctoral degree in one of the STEM fields supported by the Foundation within 3 years prior to the fellowship application deadline.

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1a) is amended in subsection (h)(1) by—

(1) striking “50” and inserting “30”; and

(2) striking “which may be provided in cash or in-kind” and inserting “which shall be provided in cash”.

SEC. 244. INSTITUTIONS SERVING PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by the Foundation, institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, shall have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve persons with disabilities can benefit from STEM bridge programs and from research partnerships with major research universities. Nothing in this section shall be construed to amend or otherwise affect any of the definitions for minority-serving institutions under title III or title V of the Higher Education Act of 1965.

SEC. 245. INSTITUTIONAL INTEGRATION.

(a) INNOVATION THROUGH INSTITUTIONAL INTEGRATION.—The Director shall award grants for the institutional integration of projects funded by the Foundation with a focus on education, or on broadening participation in STEM by underrepresented groups, for the purpose of increasing collaboration and coordination across funded projects and institutions and expanding the impact of such projects within and among institutions of higher education in an innovative and sustainable manner.

(b) PROGRAM ACTIVITIES.—The program under this section shall support integrative activities that involve the strategic and innovative combination of Foundation-funded projects and that provide for—

(1) additional opportunities to increase the recruitment, retention, and degree attainment of underrepresented groups in STEM disciplines;

(2) the inclusion of programming, practices, and policies that encourage the integration of education and research;

(3) seamless transitions from one educational level to another; and

(4) other activities that expand and deepen the impact of Foundation-funded projects with

a focus on education, or on broadening participation in STEM by underrepresented groups, and enhance their sustainability.

(c) **REVIEW CRITERIA.**—In selecting recipients of grants under this section, the Director shall consider at a minimum—

(1) the extent to which the proposed project addresses the goals of project and program integration and adds value to the existing funded projects;

(2) the extent to which there is a proven record of success for the existing projects on which the proposed integration project is based; and

(3) the extent to which the proposed project addresses the modification of programming, practices, and policies necessary to achieve the purpose described in subsection (a).

(d) **PRIORITY.**—In selecting recipients of grants under this section, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator.

SEC. 246. POSTDOCTORAL RESEARCH FELLOWSHIPS.

(a) **IN GENERAL.**—The Director shall establish a Foundation-wide postdoctoral research fellowship program, to award competitive, merit-based postdoctoral research fellowships in any field of research supported by the Foundation.

(b) **DURATION AND AMOUNT.**—Fellowships may be awarded under this section for a period of up to 3 years in duration. The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(c) **ELIGIBILITY.**—To be eligible to receive a fellowship under this section, an individual—

(1) must be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application;

(2) must have received a doctoral degree in any field of research supported by the Foundation within 3 years prior to the fellowship application deadline, or will complete a doctoral degree no more than 1 year after the application deadline; and

(3) may not have previously received funding as the principal investigator of a research grant from the Foundation, unless such funding was received as a graduate student.

(d) **PRIORITY.**—In evaluating applications for fellowships under this section, the Director shall give priority to applications that include—

(1) proposals for interdisciplinary research; or

(2) proposals for high-risk, high-reward research.

(e) **ADDITIONAL CONSIDERATIONS.**—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(f) **NONSUBSTITUTION.**—The fellowship program authorized under this section is not intended to replace or reduce support for postdoctoral research through existing programs at the Foundation.

SEC. 247. BROADENING PARTICIPATION TRAINING AND OUTREACH.

The Director shall provide education and training—

(1) to Foundation staff and grant proposal review panels on effective mechanisms and tools for broadening participation in STEM by underrepresented groups, including reviewer selection and mitigation of implicit bias in the review process; and

(2) to Foundation staff on related outreach approaches.

SEC. 248. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

Section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-6) is amended to read as follows:

“SEC. 17. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

“(a) **IN GENERAL.**—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education (or to consortia thereof) to reform undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM and improving the STEM learning outcomes for all undergraduate students, including through—

“(1) development, implementation, and assessment of innovative, research-based approaches to transforming the teaching and learning of disciplinary or interdisciplinary STEM at the undergraduate level; and

“(2) expansion of successful STEM reform efforts beyond a single course or group of courses to achieve reform within an entire academic unit, or expansion of successful reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions.

“(b) **USES OF FUNDS.**—Activities supported by grants under this section may include—

“(1) creation of multidisciplinary or interdisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction and research in STEM;

“(2) expansion of undergraduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal labs, and at international research institutions or research sites;

“(3) implementation or expansion of bridge programs, including programs that address student transition from 2-year to 4-year institutions, and cohort, tutoring, or mentoring programs proven to enhance student recruitment or persistence to degree completion in STEM, including recruitment or persistence to degree completion of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b);

“(4) improvement of undergraduate STEM education for nonmajors, including education majors;

“(5) implementation of evidence-based, technology-driven reform efforts that directly impact undergraduate STEM instruction or research experiences;

“(6) development and implementation of faculty and graduate teaching assistant development programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

“(7) support for graduate students and postdoctoral fellows to participate in instructional or assessment activities at primarily undergraduate institutions;

“(8) research on teaching and learning of STEM at the undergraduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities, research on scalability and sustainability of approaches to reform, and development and implementation of longitudinal studies of students included in the proposed reform effort; and

“(9) support for initiatives that advance the integration of global challenges such as sustainability into disciplinary and interdisciplinary STEM education.

“(c) **PARTNERSHIP.**—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

“(d) **SELECTION PROCESS.**—

“(1) **APPLICATIONS.**—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

“(A) a description of the proposed reform effort;

“(B) a description of the research findings that will serve as the basis for the proposed reform effort or, in the case of applications that propose an expansion of a previously implemented reform effort, a description of the previously implemented reform effort, including indicators of success such as data on student recruitment, persistence to degree completion, and academic achievement;

“(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions;

“(D) a description of existing or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate STEM education; and

“(E) a description of the plans for assessment and evaluation of the proposed reform activities, including evidence of participation by individuals with experience in assessment and evaluation of teaching and learning programs.

“(2) **REVIEW OF APPLICATIONS.**—In selecting grant recipients under this section, the Director shall consider at a minimum—

“(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

“(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on faculty engagement in undergraduate education;

“(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

“(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort, including the degree to which such assessment and evaluation contribute to the systematic accumulation of knowledge on STEM education.

“(3) **PRIORITY.**—For proposals that include an expansion of existing reform efforts beyond a single academic unit, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator or a coprincipal investigator.

“(4) **GRANT DISTRIBUTION.**—The Director shall ensure, to the extent practicable, that grants awarded under this section are made to a variety of types of institutions of higher education.”.

SEC. 249. 21ST CENTURY GRADUATE EDUCATION.

(a) **IN GENERAL.**—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers utilizing STEM degrees, including at diverse types of institutions of higher education, in industry, and at government agencies and research laboratories.

(b) **USES OF FUNDS.**—Activities supported by grants under this section may include—

(1) creation of multidisciplinary or interdisciplinary courses or programs for the purpose of improved student instruction and research in STEM;

(2) expansion of graduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal laboratories, and at international research institutions or research sites;

(3) development and implementation of future faculty training programs focused on improved

instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

(4) support and training for graduate students to participate in instructional activities beyond the traditional teaching assistantship, and especially as part of ongoing educational reform efforts, including at pre-K-12 schools, informal science education institutions, and primarily undergraduate institutions;

(5) creation, improvement, or expansion of innovative graduate programs such as science master's degree programs;

(6) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to engage in innovation, technology transfer, and entrepreneurship;

(7) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to effectively communicate their research findings to technical audiences outside of their own discipline and to nontechnical audiences;

(8) expansion of successful STEM reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions; and

(9) research on teaching and learning of STEM at the graduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities and research on scalability and sustainability of approaches to reform.

(c) **PARTNERSHIP.**—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

(d) **SELECTION PROCESS.**—

(1) **APPLICATIONS.**—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) in the case of applications that propose an expansion of a previously implemented reform effort at the applicant's institution or at other institutions, a description of the previously implemented reform effort;

(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions; and

(D) a description of the plans for assessment and evaluation of the grant proposed reform activities.

(2) **REVIEW OF APPLICATIONS.**—In selecting grant recipients under this section, the Director shall consider at a minimum—

(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on preparing graduate students for diverse careers utilizing STEM degrees;

(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort.

(e) **REPEAL.**—Section 7034 of the America COMPETES Act (42 U.S.C. 1862o-13) is repealed.

SEC. 250. UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.

(a) **UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.**—The Foundation shall continue to support the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, and the Tribal Colleges and Universities Program as separate programs at least through September 30, 2011.

(b) **PLAN.**—Prior to any realignment or consolidation of the programs described in subsection (a), in addition to the Hispanic-Serving Institutions Undergraduate Program required by section 7033 of the America COMPETES Act (42 U.S.C. 1862o-12), the Director shall develop a plan clarifying the objectives and rationale for such changes. The plan shall include a description of how such changes would result in—

(1) meeting or strengthening the common goal of the separate programs to increase the number of individuals from underrepresented groups attaining undergraduate STEM degrees; and

(2) addressing the unique needs of the different types of minority serving institutions and underrepresented groups currently provided for by the separate programs.

(c) **RECOMMENDATIONS.**—In the development of the plan required under subsection (b), the Director shall at a minimum—

(1) consider the recommendations and findings of the National Academy of Sciences report required by section 7032 of the America COMPETES Act (Public Law 110-69); and

(2) solicit recommendations and feedback from a wide range of stakeholders, including representatives from minority serving institutions, other institutions of higher education, and other entities with expertise on effective mechanisms to increase the recruitment and retention of members of underrepresented groups in STEM fields, and the attainment of STEM degrees by underrepresented groups.

(d) **APPROVAL BY CONGRESS.**—The plan developed under this section shall be transmitted to Congress at least 3 months prior to the implementation of any realignment or consolidation of the programs described in subsection (a).

SEC. 251. GRAND CHALLENGES IN EDUCATION RESEARCH.

(a) **IN GENERAL.**—The Director and the Secretary of Education shall collaborate, in consultation with the Director of the National Institutes of Health, in—

(1) identifying, prioritizing, and developing strategies to address grand challenges in research and development on the teaching and learning of STEM at the pre-K-12 level, in formal and informal settings, for diverse learning populations, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), and students in rural schools;

(2) carrying out research and development to address the grand challenges identified in paragraph (1); and

(3) ensuring the dissemination of the results of such research and development.

(b) **STAKEHOLDER INPUT.**—In identifying the grand challenges required in subsection (a), the Director and the Secretary shall—

(1) take into consideration critical research gaps identified in existing reports, including reports by the National Academies, on the teaching and learning of STEM at the pre-K-12 level in formal and informal settings; and

(2) solicit input from a wide range of stakeholders, including local and State education officials, STEM teachers, STEM education researchers, scientific and engineering societies, STEM faculty at institutions of higher education, informal STEM education providers, businesses with a large STEM workforce, and other stakeholders in the teaching and learning of STEM at the pre-K-12 level, and may enter into an arrangement with the National Research Council for these purposes.

(c) **TOPICS TO CONSIDER.**—In identifying the grand challenges required in subsection (a), the

Director and the Secretary, in order to provide students with increased access to rigorous courses of study in STEM, increase the number of students who are prepared for advanced study and careers in STEM, and increase the effective teaching of STEM subjects, shall at a minimum consider the following topics:

(1) Research on scalability, sustainability, and replication of successful STEM activities, programs, and models, in formal and informal environments.

(2) Research that utilizes a systems approach to identifying challenges and opportunities to improve the teaching and learning of STEM, including development and evaluation of model systems that support improved teaching and learning of STEM across entire school districts and States, and encompassing and integrating the teaching and learning of STEM in formal and informal venues, and in K-12 schools and institutions of higher education.

(3) Research to understand what makes a STEM teacher effective and STEM teacher professional development effective, including development of tools and methodologies to measure STEM teacher effectiveness.

(4) Research and development on cyber-enabled tools and programs and television based tools and programs for learning and teaching STEM, including development of tools and methodologies for assessing cyber and television enabled teaching and learning.

(5) Research and development on STEM teaching and learning in informal environments, including development of tools and methodologies for assessing STEM teaching and learning in informal environments.

(6) Research and development on how integrating engineering with mathematics and science education may—

(A) improve student learning of mathematics and science;

(B) increase student interest and persistence in STEM; or

(C) improve student understanding of engineering design principles and of the built world.

(7) Research to understand what makes hands-on, inquiry-based classroom experiences effective, including development of tools and methodologies for assessing such experiences.

(d) **REPORT TO CONGRESS.**—Not later than 18 months after the date of enactment of this Act, the Director and the Secretary shall report back to Congress with a description of—

(1) the grand challenges identified pursuant to this section;

(2) the role of each agency in supporting research and development activities to address the grand challenges;

(3) the common metrics that will be used to assess progress toward meeting the grand challenges;

(4) plans for periodically updating the grand challenges;

(5) how the agencies will disseminate the results of research and development activities carried out under this section to STEM education practitioners, to other Federal agencies that support STEM programs and activities, and to non-Federal funders of STEM education; and

(6) how the agencies will support implementation of best practices identified by the research and development activities.

SEC. 252. RESEARCH EXPERIENCES FOR UNDERGRADUATES.

(a) **RESEARCH SITES.**—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, nonprofit organizations, or consortia of such institutions and organizations, for sites designated by the Director to provide research experiences for 10 or more undergraduate STEM students, with consideration given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). The Director shall ensure that—

(1) at least half of the students participating in a program funded by a grant under this subsection at each site shall be recruited from institutions of higher education where research opportunities in STEM are limited, including 2-year institutions;

(2) the awards provide undergraduate research experiences in a wide range of STEM disciplines;

(3) the awards support a variety of projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects);

(4) students participating in each program funded have mentors, including during the academic year to the extent practicable, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in a STEM field;

(5) mentors and students are supported with appropriate salary or stipends; and

(6) student participants are tracked, for employment and continued matriculation in STEM fields, through receipt of the undergraduate degree and for at least 3 years thereafter.

(b) **INCLUSION OF UNDERGRADUATES IN STANDARD RESEARCH GRANTS.**—The Director shall require that every recipient of a research grant from the Foundation proposing to include 1 or more undergraduate students in carrying out the research under the grant shall request support, including stipend support, for such undergraduate students as part of the research proposal itself rather than as a supplement to the research proposal, unless such undergraduate participation was not foreseeable at the time of the original proposal.

SEC. 253. LABORATORY SCIENCE PILOT PROGRAM.

Section 7026 of the America COMPETES Act (Public Law 110-69) is amended by striking subsections (d) and (e).

SEC. 254. STEM INDUSTRY INTERNSHIP PROGRAMS.

(a) **IN GENERAL.**—The Director may award grants, on a competitive, merit-reviewed basis, to institutions of higher education, or consortia thereof, to establish or expand partnerships with local or regional private sector entities, for the purpose of providing undergraduate students with integrated internship experiences that connect private sector internship experiences with the students' STEM coursework. Such partnerships may also include industry or professional associations.

(b) **PRIORITY.**—In awarding grants under this section, the Director shall give priority to institutions of higher education or consortia thereof that demonstrate significant outreach to and coordination with local or regional private sector entities in developing academic courses designed to provide students with the skills necessary for employment in local or regional companies.

(c) **COST-SHARE.**—The Director shall require a 50 percent non-Federal cost-share from partnerships established or expanded under this section.

(d) **RESTRICTION.**—No Federal funds provided under this section may be used—

(1) for the purpose of providing stipends or compensation to students for private sector internships; or

(2) as payment or reimbursement to private sector entities.

(e) **REPORT.**—Not less than 3 years after the date of enactment of this Act, the Director shall submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, and any evidence of the effect of those awards on workforce preparation and jobs placement for participating students.

SEC. 255. TRIBAL COLLEGES AND UNIVERSITIES PROGRAM.

(a) **IN GENERAL.**—The Director shall continue to support a program to award grants on a com-

petitive, merit-reviewed basis to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), including institutions described in section 317 of such Act (20 U.S.C. 1059d), to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of Native American students pursuing associate's or baccalaureate degrees in STEM.

(b) **PROGRAM COMPONENTS.**—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in STEM;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) **INSTRUMENTATION.**—Funding provided under this section may be used for instrumentation.

TITLE III—STEM EDUCATION

SEC. 301. COORDINATION OF FEDERAL STEM EDUCATION.

(a) **SHORT TITLE.**—This section may be cited as the "STEM Education Coordination Act of 2010".

(b) **DEFINITION.**—In this section, the term "STEM" means science, technology, engineering, and mathematics.

(c) **ESTABLISHMENT.**—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(d) **RESPONSIBILITIES OF THE COMMITTEE.**—The committee established under subsection (c) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by underrepresented minorities in such programs and activities.

(e) **RESPONSIBILITIES OF OSTP.**—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (d)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(f) **REPORT.**—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (d)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and cur-

rent fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in high-need schools, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

SEC. 302. ADVISORY COMMITTEE ON STEM EDUCATION.

(a) **IN GENERAL.**—The President shall establish or designate an advisory committee on science, technology, engineering, and mathematics (STEM) education.

(b) **MEMBERSHIP.**—The advisory committee established or designated by the President under subsection (a) shall be chaired by at least 2 members of the President's Council of Advisors on Science and Technology, with the remaining advisory committee membership consisting of non-Federal members who are specially qualified to provide the President with advice and information on STEM education. Membership of the advisory committee, at a minimum, shall include individuals from the following categories of individuals and organizations:

(1) STEM educator professional associations.

(2) Organizations that provide informal STEM education activities.

(3) Institutions of higher education.

(4) Scientific and engineering professional societies.

(5) Business and industry associations.

(6) Foundations that fund STEM education activities.

(c) **RESPONSIBILITIES.**—The responsibilities of the advisory committee shall include—

(1) soliciting input from teachers, administrators, local education agencies, States, and other public and private STEM education stakeholder groups for the purpose of informing the Federal agencies that support STEM education programs on the STEM education needs of States and school districts;

(2) soliciting input from all STEM education stakeholder groups regarding STEM education programs, including STEM education research programs, supported by Federal agencies;

(3) providing advice to the Federal agencies that support STEM education programs on how their programs can be better aligned with the needs of States and school districts as identified in paragraph (1), consistent with the mission of each agency; and

(4) offering guidance to the President on current STEM education activities, research findings, and best practices, with the purpose of increasing connectivity between public and private STEM education efforts.

SEC. 303. STEM EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) **DEFINITIONS.**—Section 5002 of the America COMPETES Act (42 U.S.C. 16531) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) **ENERGY SYSTEMS SCIENCE AND ENGINEERING.**—The term 'energy systems science and engineering' means—

“(A) nuclear science and engineering, including—

- “(i) nuclear engineering;
- “(ii) nuclear chemistry;
- “(iii) radiochemistry; and
- “(iv) health physics;

“(B) hydrocarbon system science and engineering, including—

- “(i) petroleum or reservoir engineering;
- “(ii) environmental geoscience;
- “(iii) petrophysics;
- “(iv) geophysics;
- “(v) geochemistry;

“(vi) petroleum geology;

“(vii) ocean engineering;

“(viii) environmental engineering; and

“(ix) carbon capture and sequestration science and engineering;

“(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

- “(i) solar technology systems;
- “(ii) wind technology systems;
- “(iii) buildings technology systems;
- “(iv) transportation technology systems;
- “(v) hydropower systems; and
- “(vi) geothermal systems; and

“(D) energy storage and distribution systems science and engineering, including with respect to—

- “(i) energy storage; and
- “(ii) energy delivery.”.

(b) SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.—Subpart B of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381g et seq.) is amended—

(1) in section 3170—

(A) by amending paragraph (1) to read as follows:

“(1) DIRECTOR.—The term ‘Director’ means the Director of STEM Education appointed or designated under section 3171(c)(1).”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph:

“(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term ‘energy systems science and engineering’ means—

“(A) nuclear science and engineering, including—

- “(i) nuclear engineering;
- “(ii) nuclear chemistry;
- “(iii) radiochemistry; and
- “(iv) health physics;

“(B) hydrocarbon system science and engineering, including—

- “(i) petroleum or reservoir engineering;
- “(ii) environmental geoscience;
- “(iii) petrophysics;
- “(iv) geophysics;
- “(v) geochemistry;

“(vi) petroleum geology;

“(vii) ocean engineering; and

“(viii) environmental engineering;

“(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

- “(i) solar technology systems;
- “(ii) wind technology systems;
- “(iii) buildings technology systems;
- “(iv) transportation technology systems;
- “(v) hydropower systems; and
- “(vi) geothermal systems; and

“(D) energy storage and distribution systems science and engineering, including with respect to—

- “(i) energy storage; and
- “(ii) energy delivery.”; and

(D) by adding at the end the following new paragraph:

“(4) STEM.—The term ‘STEM’ means science, technology, engineering, and mathematics.”;

(2) by striking chapters 1, 2, 3, 4, and 6;

(3) by inserting after section 3170 the following new chapter:

“CHAPTER 1—STEM EDUCATION

“SEC. 3171. STEM EDUCATION.

“(a) IN GENERAL.—The Secretary of Energy shall develop, conduct, support, promote, and

coordinate formal and informal educational activities that leverage the Department’s unique content expertise and facilities to contribute to improving STEM education at all levels in the United States, and to enhance awareness and understanding of STEM, including energy sciences, in order to create a diverse skilled scientific and technical workforce essential to meeting the challenges facing the Department and the Nation in the 21st century.

“(b) PROGRAMS.—The Secretary shall carry out evidence-based programs designed to increase student interest and participation, improve public literacy and support, and improve the teaching and learning of energy systems science and engineering and other STEM disciplines supported by the Department. Programs authorized under this subsection may include—

“(1) informal educational programming designed to excite and inspire students and the general public about energy systems science and engineering and other STEM disciplines supported by the Department, while strengthening their content knowledge in these fields;

“(2) teacher training and professional development opportunities for pre-service and in-service elementary and secondary teachers designed to increase the content knowledge of teachers in energy systems science and engineering and other STEM disciplines supported by the Department, including through hands-on research experiences;

“(3) research opportunities for secondary school students, including internships at the National Laboratories, that provide secondary school students with hands-on research experiences as well as exposure to working scientists;

“(4) research opportunities at the National Laboratories for undergraduate and graduate students pursuing degrees in energy systems science and engineering and other STEM disciplines supported by the Department; and

“(5) competitive scholarships, fellowships, and traineeships for undergraduate and graduate students in energy systems science and engineering and other STEM disciplines supported by the Department.

“(c) ORGANIZATION OF STEM EDUCATION PROGRAMS.—

“(1) DIRECTOR OF STEM EDUCATION.—The Secretary shall appoint or designate a Director of STEM Education, who shall have the principal responsibility to oversee and coordinate all programs and activities of the Department in support of STEM education, including energy systems science and engineering education, across all functions of the Department.

“(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Secretary on all matters pertaining to STEM education, including energy systems science and engineering education, at the Department.

“(3) DUTIES.—The Director shall—

“(A) oversee and coordinate all programs in support of STEM education, including energy systems science and engineering education, across all functions of the Department;

“(B) represent the Department as the principal interagency liaison for all STEM education programs, unless otherwise represented by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy;

“(C) prepare the annual budget and advise the Under Secretary for Science and the Under Secretary for Energy on all budgetary issues for STEM education, including energy systems science and engineering education, relative to the programs of the Department;

“(D) establish, periodically update, and maintain a publicly accessible online inventory of STEM education programs and activities, including energy systems science and engineering education programs and activities;

“(E) develop, implement, and update the Department of Energy STEM education strategic plan, as required by subsection (d);

“(F) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of STEM education, including energy systems science and engineering education; and

“(G) perform such other matters relating to STEM education as are required by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy.

“(d) DEPARTMENT OF ENERGY STEM EDUCATION STRATEGIC PLAN.—The Director of STEM education appointed or designated under subsection (c)(1) shall develop, implement, and update once every 3 years a 3-year STEM education strategic plan for the Department, which shall—

“(1) identify and prioritize annual and long-term STEM education goals and objectives for the Department that are aligned with the overall goals of the National Science and Technology Council Committee on STEM Education Strategic plan required under section 301(d)(2) of the STEM Education Coordination Act of 2010;

“(2) describe the role of each program or activity of the Department in contributing to the goals and objectives identified under paragraph (1);

“(3) specify the metrics that will be used to assess progress toward achieving those goals and objectives; and

“(4) describe the approaches that will be taken to assess the effectiveness of each STEM education program and activity supported by the Department.

“(e) OUTREACH TO STUDENTS FROM UNDER-REPRESENTED GROUPS.—In carrying out a program authorized under this section, the Secretary shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

“(f) CONSULTATION AND PARTNERSHIP WITH OTHER AGENCIES.—In carrying out the programs and activities authorized under this section, the Secretary shall—

“(1) consult with the Secretary of Education and the Director of the National Science Foundation regarding activities designed to improve elementary and secondary STEM education; and

“(2) consult and partner with the Director of the National Science Foundation in carrying out programs under this section designed to build capacity in STEM education at the undergraduate and graduate level, including by supporting excellent proposals in energy systems science and engineering that are submitted for funding to the Foundation’s Advanced Technological Education Program.”; and

(4) in section 3191—

(A) in subsection (a)—

(i) by striking “web-based” and inserting “, through a publicly available website.”; and

(ii) by inserting “and project-based learning opportunities” after “laboratory experiments”;

(B) in subsection (b)(1), by inserting “, including energy systems science and engineering” after “the science of energy”; and

(C) by striking subsection (d).

(c) ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) AMENDMENT.—Strike sections 5004 and 5005 of the America COMPETES Act (42 U.S.C. 16532 and 16533) and insert the following new section:

“SEC. 5004. ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

“(a) PURPOSES.—The purposes of this section are—

“(1) to address the decline in the number of and resources available to energy systems science and engineering programs at institutions of higher education, including community colleges; and

“(2) to increase the number of graduates with degrees in energy systems science and engineering, an area of strategic importance to the economic competitiveness and energy security of the United States.

“(b) **ESTABLISHMENT.**—The Secretary shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand the energy systems science and engineering educational and technical training capabilities of the institution, and to provide merit-based financial support for master’s and doctoral level students pursuing courses of study and research in energy systems sciences and engineering.

“(c) **USE OF FUNDS.**—An institution of higher education that receives a grant under this section may use the grant to—

“(1) provide traineeships, including stipends and cost of education allowances, to master’s and doctoral students;

“(2) develop or expand multidisciplinary or interdisciplinary courses or programs;

“(3) recruit and retain new faculty;

“(4) develop or improve core and specialized course content;

“(5) encourage interdisciplinary and multidisciplinary research collaborations;

“(6) support outreach efforts to recruit students, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

“(7) pursue opportunities for collaboration with industry and National Laboratories.

“(d) **CRITERIA.**—Criteria for awarding a grant under this section shall be based on—

“(1) the potential to attract new students to the program;

“(2) academic rigor; and

“(3) the ability to offer hands-on education and training opportunities for graduate students in the emerging areas of energy systems science and engineering.

“(e) **PRIORITY.**—The Secretary shall give priority to proposals that involve active partnerships with a National Laboratory or other energy systems science and engineering related entity, as determined by the Secretary.

“(f) **DURATION AND AMOUNT.**—

“(1) **DURATION.**—A grant under this section may be for up to 5 years in duration.

“(2) **AMOUNT.**—An institution of higher education that receives a grant under this section shall be eligible for up to \$1,000,000 for each year of the grant period.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$30,000,000 for fiscal year 2011;

“(2) \$32,000,000 for fiscal year 2012;

“(3) \$36,000,000 for fiscal year 2013;

“(4) \$38,000,000 for fiscal year 2014; and

“(5) \$40,000,000 for fiscal year 2015.”

(2) **CONFORMING AMENDMENT.**—The table of contents for the America COMPETES Act is amended by striking the items relating to sections 5004 and 5005 and inserting the following: Sec. 5004. Energy applied science talent expansion program for institutions of higher education.

(d) **DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.**—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(1) in subsection (a), by striking “Director of the Office” and all that follows through “shall carry” and inserting “Secretary shall carry”;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting “per year” after “\$80,000”; and

(B) in subparagraph (B), by striking “\$125,000” and inserting “\$175,000 per year”;

(3) in subsection (c)(1), by striking “, as determined by the Director”;

(4) in subsections (c)(2), (e), (f), and (g), by striking “Director” each place it appears and inserting “Secretary”;

(5) in subsection (d), by striking “merit-reviewed” and inserting “merit-based, peer reviewed”; and

(6) in subsection (h)—

(A) by striking “, acting through the Director,”; and

(B) by striking “\$25,000,000 for each of fiscal years 2008 through 2010” and inserting “such sums as are necessary”.

(e) **PROTECTING AMERICA’S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.**—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “involving written and oral interviews, that will result in a wide distribution of awards throughout the United States,”; and

(B) in paragraph (2)(B)(iv), by striking “verbal and”;

(2) in subsection (d)(1)(B)(i), by inserting “partial or full” before “graduate tuition”; and

(3) by striking subsection (f).

(f) **REPEAL.**—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is repealed.

SEC. 304. GREEN ENERGY EDUCATION.

(a) **SHORT TITLE.**—This section may be cited as the “Green Energy Education Act of 2010”.

(b) **DEFINITION.**—For the purposes of this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation.

(2) **HIGH PERFORMANCE BUILDING.**—The term “high performance building” has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(c) **GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.**—

(1) **FUNDING.**—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(2) **CONSULTATION.**—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(d) **CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.**—

(1) **FUNDING.**—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this subsection shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(2) **CONSULTATION.**—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(3) **PRIORITY.**—In awarding grants with respect to which the Secretary has contributed funds under this subsection, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, landscape ar-

chitecture, and city, regional, or urban planning.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the “National Institute of Standards and Technology Authorization Act of 2010”.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) **FISCAL YEAR 2011.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$991,100,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) **SPECIFIC ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$620,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$125,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$246,100,000 shall be authorized for industrial technology services activities, of which—

(i) \$95,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) \$141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) \$10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(b) **FISCAL YEAR 2012.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$992,400,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) **SPECIFIC ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$657,200,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$85,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$250,200,000 shall be authorized for industrial technology services activities, of which—

(i) \$89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) \$150,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) \$10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(c) **FISCAL YEAR 2013.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$1,079,809,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) **SPECIFIC ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$696,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$122,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$261,109,000 shall be authorized for industrial technology services activities, of which—

(i) \$89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) \$161,500,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) \$10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler

Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(d) FISCAL YEAR 2014.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$1,126,227,000 for the National Institute of Standards and Technology for fiscal year 2014.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$738,500,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$124,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$263,727,000 shall be authorized for industrial technology services activities, of which—

(i) \$80,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) \$172,800,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) \$10,927,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(e) FISCAL YEAR 2015.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$1,191,955,000 for the National Institute of Standards and Technology for fiscal year 2015.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) \$782,800,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$133,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$276,155,000 shall be authorized for industrial technology services activities, of which—

(i) \$80,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) \$184,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) \$11,255,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—Section 4 of the National Institute of Standards and Technology Act is amended to read as follows:

“SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

“(a) ESTABLISHMENT.—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the ‘Under Secretary’).

“(b) APPOINTMENT.—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

“(c) COMPENSATION.—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(d) DUTIES.—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

“(e) APPLICABILITY.—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).”.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—

(A) LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting before the item “Associate Attorney General” the following:

“Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.”.

(B) LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking “Director, National Institute of Standards and Technology, Department of Commerce.”.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

SEC. 404. REORGANIZATION OF NIST LABORATORIES.

(a) ORGANIZATION.—The Director shall reorganize the scientific and technical research and services laboratory program into the following operational units:

(1) The Physical Measurement Laboratory, whose mission is to realize and disseminate the national standards for length, mass, time and frequency, electricity, temperature, force, and radiation by activities including fundamental research in measurement science, the provision of measurement services and standards, and the provision of testing facilities resources for use by the Federal Government.

(2) The Information Technology Laboratory, whose mission is to develop and disseminate standards, measurements, and testing capabilities for interoperability, security, usability, and reliability of information technologies, including cyber security standards and guidelines for Federal agencies, United States industry, and the public, through fundamental and applied research in computer science, mathematics, and statistics.

(3) The Engineering Laboratory, whose mission is to develop and disseminate advanced manufacturing and construction technologies to the United States manufacturing and construction industries through activities including measurement science research, performance metrics, tools for engineering applications, and promotion of standards adoption.

(4) The Material Measurement Laboratory, whose mission is to serve as the national reference laboratory in biological, chemical, and material sciences and engineering through activities including fundamental research in the composition, structure, and properties of biological and environmental materials and processes, the development of certified reference materials and critically evaluated data, and other programs to assure measurement quality in materials and biotechnology fields.

(5) The Center for Nanoscale Science and Technology, a national shared-use facility for nanoscale fabrication and measurement, whose mission is to develop innovative nanoscale measurement and fabrication capabilities to support researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in nanoscale technology from discovery to production.

(6) The NIST Center for Neutron Research, a national user facility, whose mission is to provide neutron-based measurement capabilities to researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in support of materials research, nondestructive evaluation, neutron imaging, chemical analysis, neutron standards, dosimetry, and radiation metrology.

(b) ADDITIONAL DUTIES.—The Director may assign additional duties to the operational units listed in subsection (a) that are consistent with the missions of such units.

(c) REVISION.—

(1) IN GENERAL.—Subsequent to the reorganization required under subsection (a), the Di-

rector may revise the organization of the scientific and technical research and services laboratory program.

(2) REPORT TO CONGRESS.—Any revision to the organization of such program under paragraph (1) shall be submitted in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 60 days before the effective date of such revision.

SEC. 405. FEDERAL GOVERNMENT STANDARDS AND CONFORMITY ASSESSMENT COORDINATION.

(a) COORDINATION.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (12), by striking “and” after the semicolon;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding after paragraph (13) the following:

“(14) to promote collaboration among Federal departments and agencies and private sector stakeholders in the development and implementation of standards and conformity assessment frameworks to address specific Federal Government policy goals; and

“(15) to convene Federal departments and agencies, as appropriate, to—

“(A) coordinate and determine Federal Government positions on specific policy issues related to the development of international technical standards and conformity assessment-related activities; and

“(B) coordinate Federal department and agency engagement in the development of international technical standards and conformity assessment-related activities.”.

(b) REPORT.—The Director, in consultation with appropriate Federal agencies, shall submit a report annually to Congress addressing the Federal Government's technical standards and conformity assessment-related activities. The report shall identify—

(1) current and anticipated international standards and conformity assessment-related issues that have the potential to impact the competitiveness and innovation capabilities of the United States;

(2) any action being taken by the Federal Government to address these issues and the Federal agency taking that action; and

(3) any action that the Director is taking or will take to ensure effective Federal Government engagement on technical standards and conformity assessment-related issues, as appropriate, where the Federal Government is not effectively engaged.

SEC. 406. MANUFACTURING EXTENSION PARTNERSHIP.

(a) COMMUNITY COLLEGE SUPPORT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (5) the following:

“(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.”.

(b) INNOVATIVE SERVICES INITIATIVE.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

“(g) INNOVATIVE SERVICES INITIATIVE.—

“(1) ESTABLISHMENT.—The Director may establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

“(A) reducing their energy usage and environmental waste to improve profitability; and

“(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy systems.

“(2) MARKET DEMAND.—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.”.

(c) REPORTS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (g), as added by subsection (b), the following:

“(h) REPORTS.—

“(1) IN GENERAL.—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director’s governance of the program established under this section.

“(2) CRITERIA.—In conducting such assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).”.

(d) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

“(7) Notwithstanding paragraphs (1), (3), and (5), for fiscal year 2011 through fiscal year 2015, the Secretary may not provide to a Center more than 50 percent of the costs incurred by such Center and may not require that a Center’s cost share exceed 50 percent.

“(8) Not later than 4 years after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Secretary shall submit to Congress a report on the cost share requirements under the program. The report shall—

“(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment and the cost share structure in place under paragraph (7), and the effect of such cost share structures on individual Centers and the overall program; and

“(B) include a recommendation for how best to structure the cost share requirement after fiscal year 2015 to provide for the long-term sustainability of the program.”.

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

“(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

“(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.”.

(f) DEFINITIONS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (h), as added by subsection (c), the following:

“(i) DEFINITION.—In this section, the term ‘community college’ means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate’s degree.”.

SEC. 408. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

(b) ACTIVITIES.—In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies; and

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by such assessment.

SEC. 409. TIP ADVISORY BOARD.

Section 28(k)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)(4)) is amended to read as follows:

“(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

“(A) IN GENERAL.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the TIP Advisory Board.”.

SEC. 410. UNDERREPRESENTED MINORITIES.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended by adding at the end the following:

“(C) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.”.

(b) POSTDOCTORAL FELLOWSHIP PROGRAM.—Section 19 of such Act (15 U.S.C. 278g-2) is amended by adding at the end the following:

“(1) In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.”.

(c) TEACHER DEVELOPMENT.—Section 19A(c) of such Act (15 U.S.C. 278g-2a(c)) is amended by adding at the end the following: “The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).”.

SEC. 411. CYBER SECURITY STANDARDS AND GUIDELINES.

Cyber security standards and guidelines developed by the National Institute of Standards and Technology for use by United States industry and the public shall be voluntary.

SEC. 412. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) FEDERAL AGENCY.—The term “Federal agency” has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

TITLE V—INNOVATION

SEC. 501. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

“SEC. 24. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

“(a) IN GENERAL.—The Secretary shall establish an Office of Innovation and Entrepreneurship to foster innovation and the commercializa-

tion of new technologies, products, processes, and services with the goal of promoting productivity and economic growth in the United States.

“(b) DUTIES.—The Office of Innovation and Entrepreneurship shall be responsible for—

“(1) developing and advocating policies to accelerate innovation and advance the commercialization of research and development, including federally funded research and development;

“(2) identifying existing barriers to innovation and commercialization, including access to capital and other resources, and ways to overcome those barriers;

“(3) providing access to relevant data, research, and technical assistance on innovation and commercialization;

“(4) strengthening collaboration on and coordination of policies relating to innovation and commercialization within the Department of Commerce and between the Department of Commerce and other Federal agencies, as appropriate; and

“(5) any other duties as determined by the Secretary.

“(c) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Council on Innovation and Entrepreneurship to provide advice to the Secretary on carrying out subsection (b).”.

SEC. 502. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 24, as added by section 501 of this title, the following new section:

“SEC. 25. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

“(a) ESTABLISHMENT.—The Secretary shall establish a program to provide loan guarantees for obligations to small- or medium-sized manufacturers for the use or production of innovative technologies.

“(b) ELIGIBLE PROJECTS.—A loan guarantee may be made under such program only for a project that reequips, expands, or establishes a manufacturing facility in the United States to—

“(1) use an innovative technology or an innovative process in manufacturing; or

“(2) manufacture an innovative technology product or an integral component of such product.

“(c) ELIGIBLE BORROWER.—A loan guarantee may be made under such program only for a borrower who is a small- or medium-sized manufacturer, as determined by the Secretary under the criteria established pursuant to subsection (m).

“(d) LIMITATION ON AMOUNT.—A loan guarantee shall not exceed an amount equal to 80 percent of the obligation, as estimated at the time at which the loan guarantee is issued.

“(e) LIMITATIONS ON LOAN GUARANTEE.—No loan guarantee shall be made unless the Secretary determines that—

“(1) there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower;

“(2) the amount of the obligation (when combined with amounts available to the borrower from other sources) is sufficient to carry out the project;

“(3) the obligation is not subordinate to other financing;

“(4) the obligation bears interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks; and

“(5) the term of an obligation requires full repayment over a period not to exceed the lesser of—

“(A) 30 years; or

“(B) 90 percent of the projected useful life, as determined by the Secretary, of the physical asset to be financed by the obligation.

“(f) DEFAULTS.—

“(1) PAYMENT BY SECRETARY.—

“(A) IN GENERAL.—If a borrower defaults (as defined in regulations promulgated by the Secretary and specified in the loan guarantee) on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

“(B) PAYMENT REQUIRED.—Within such period as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

“(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

“(2) SUBROGATION.—

“(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights, as specified in the loan guarantee, of the recipient of the payment or related agreements including, if appropriate, the authority (notwithstanding any other provision of law) to—

“(i) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such loan guarantee or related agreement; or

“(ii) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines that such an agreement is in the public interest.

“(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

“(3) ACTION BY ATTORNEY GENERAL.—

“(A) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

“(B) RECOVERY.—On notification, the Attorney General shall take such action as is appropriate to recover the unpaid principal and interest.

“(g) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation for and on behalf of the borrower from funds appropriated for that purpose the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

“(1)(A) the borrower is unable to make the payments and is not in default;

“(B) it is in the public interest to permit the borrower to continue to pursue the project; and

“(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

“(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the borrower is obligated to pay under the obligation being guaranteed; and

“(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

“(h) TERMS AND CONDITIONS.—A loan guarantee under this section shall include such detailed terms and conditions as the Secretary determines appropriate to—

“(1) protect the interests of the United States in the case of default; and

“(2) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

“(i) CONSULTATION.—In establishing the terms and conditions of a loan guarantee under this

section, the Secretary shall consult with the Secretary of the Treasury.

“(j) FEES.—

“(1) IN GENERAL.—The Secretary shall charge and collect fees for loan guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

“(2) AVAILABILITY.—Fees collected under this subsection shall—

“(A) be deposited by the Secretary into the Treasury of the United States; and

“(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

“(k) RECORDS.—

“(1) IN GENERAL.—With respect to a loan guarantee under this section, the borrower, the lender, and any other appropriate party shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

“(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access to records and other pertinent documents for the purpose of conducting an audit.

“(l) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all loan guarantees issued under this section with respect to principal and interest.

“(m) REGULATIONS.—The Secretary shall issue final regulations before making any loan guarantees under the program. Such regulations shall include—

“(1) criteria that the Secretary shall use to determine eligibility for loan guarantees under this section, including—

“(A) whether a borrower is a small- or medium-sized manufacturer; and

“(B) whether a borrower demonstrates that a market exists for the innovative technology product, or the integral component of such product, to be manufactured, as evidenced by written statements of interest from potential purchasers;

“(2) policies and procedures for selecting and monitoring lenders and loan performance; and

“(3) any other policies, procedures, or information necessary to implement this section.

“(n) AUDIT.—

“(1) ANNUAL INDEPENDENT AUDITS.—The Secretary shall enter into an arrangement with an independent auditor for annual evaluations of the program under this section.

“(2) ANNUAL REVIEW.—The Comptroller General shall conduct an annual review of the Secretary's execution of the program under this section.

“(3) REPORT.—The results of the independent audit under paragraph (1) and the Comptroller General's review under paragraph (2) shall be provided directly to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(o) REPORT TO CONGRESS.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of this section, the Secretary shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of all activities carried out under this section.

“(p) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.

“(q) MEP CENTERS.—The Secretary may use centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) to provide information about the program established under this section

and to conduct outreach to potential borrowers, as appropriate.

“(r) MINIMIZING RISK.—The Secretary shall promulgate regulations and policies to carry out this section in accordance with Office of Management and Budget Circular No. A-129, entitled ‘Policies for Federal Credit Programs and Non-Tax Receivables’, as in effect on the date of enactment of this section.

“(s) SENSE OF CONGRESS.—It is the sense of Congress that no loan guarantee shall be made under this section unless the borrower agrees to use a federally-approved electronic employment eligibility verification system to verify the employment eligibility of—

“(1) all persons hired during the contract term by the borrower to perform employment duties within the United States; and

“(2) all persons assigned by the borrower to perform work within the United States on the project.

“(t) DEFINITIONS.—In this section:

“(1) COST.—The term ‘cost’ has the meaning given such term under section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

“(2) INNOVATIVE PROCESS.—The term ‘innovative process’ means a process that is significantly improved as compared to the process in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

“(3) INNOVATIVE TECHNOLOGY.—The term ‘innovative technology’ means a technology that is significantly improved as compared to the technology in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

“(4) LOAN GUARANTEE.—The term ‘loan guarantee’ has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The term includes a loan guarantee commitment (as defined in section 502 of such Act (2 U.S.C. 661a)).

“(5) OBLIGATION.—The term ‘obligation’ means the loan or other debt obligation that is guaranteed under this section.

“(6) PROGRAM.—The term ‘program’ means the loan guarantee program established in subsection (a).

“(u) AUTHORIZATION OF APPROPRIATIONS.—

“(1) COST OF LOAN GUARANTEES.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2011 through 2015 to provide the cost of loan guarantees under this section.

“(2) PRINCIPAL AND INTEREST.—There are authorized to be appropriated such sums as are necessary to carry out subsection (g).”.

SEC. 503. REGIONAL INNOVATION PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 25, as added by section 502 of this title, the following new section:

“SEC. 26. REGIONAL INNOVATION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies, including regional innovation clusters.

“(b) REGIONAL INNOVATION CLUSTER GRANTS.—

“(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants on a competitive basis to eligible recipients for activities relating to the formation and development of regional innovation clusters.

“(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this subsection may be used for activities determined appropriate by the Secretary, including the following:

“(A) Feasibility studies.

“(B) Planning activities.

“(C) Technical assistance.

“(D) Developing or strengthening communication and collaboration between and among participants of a regional innovation cluster.

“(E) Attracting additional participants to a regional innovation cluster.

“(F) Facilitating market development of products and services developed by a regional innovation cluster, including through demonstration, deployment, technology transfer, and commercialization activities.

“(G) Developing relationships between a regional innovation cluster and entities or clusters in other regions.

“(3) **ELIGIBLE RECIPIENT.**—For purposes of this subsection, the term ‘eligible recipient’ means any of the following:

“(A) A State.

“(B) An Indian tribe.

“(C) A city or other political subdivision of a State.

“(D) An entity that—

“(i) is a nonprofit organization, an institution of higher education, a public-private partnership, or an economic development organization or similar entity; and

“(ii) has an application that is supported by a State or a political subdivision of a State.

“(E) A consortium of any of the entities listed in subparagraphs (A) through (D).

“(4) **APPLICATION.**—

“(A) **IN GENERAL.**—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(B) **COMPONENTS.**—The application shall include, at a minimum, a description of the regional innovation cluster supported by the proposed activity, including a description of the following:

“(i) Whether the regional innovation cluster is supported by the private sector, State and local governments, and other relevant stakeholders.

“(ii) How the existing participants in the regional innovation cluster will encourage and solicit participation by all types of entities that might benefit from participation, including newly formed entities and those rival to existing participants.

“(iii) The extent to which the regional innovation cluster is likely to stimulate innovation and have a positive impact on regional economic growth and development.

“(iv) Whether the participants in the regional innovation cluster have access to, or contribute to, a well-trained workforce.

“(v) Whether the participants in the regional innovation cluster are capable of attracting additional funds from non-Federal sources.

“(vi) The likelihood that the participants in the regional innovation cluster will be able to sustain activities once grant funds under this subsection have been expended.

“(5) **COST SHARE.**—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

“(6) **USE AND APPLICATION OF RESEARCH AND INFORMATION PROGRAM.**—To the maximum extent practicable, the Secretary shall ensure that activities funded under this subsection use and apply any relevant research, best practices, and metrics developed under the program established in subsection (c).

“(c) **REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.**—

“(1) **IN GENERAL.**—As part of the program established under subsection (a), the Secretary shall establish a regional innovation research and information program to—

“(A) gather, analyze, and disseminate information on best practices for regional innovation strategies (including regional innovation clusters), including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

“(B) provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation strategies (including regional innovation clusters);

“(C) support the development of relevant metrics and measurement standards to evaluate

regional innovation strategies (including regional innovation clusters), including the extent to which such strategies stimulate innovation, productivity, and economic development; and

“(D) collect and make available data on regional innovation cluster activity in the United States, including data on—

“(i) the size, specialization, and competitiveness of regional innovation clusters;

“(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation clusters; and

“(iii) supply chain product and service flows within and between regional innovation clusters.

“(2) **RESEARCH GRANTS.**—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this subsection.

“(3) **DISSEMINATION OF INFORMATION.**—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

“(4) **CLUSTER GRANT PROGRAM.**—The Secretary shall incorporate data and analysis relating to any regional innovation cluster supported by a grant under subsection (b) into the program established under this subsection.

“(d) **INTERAGENCY COORDINATION.**—

“(1) **IN GENERAL.**—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or other Federal agencies.

“(2) **COLLABORATION.**—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multiagency funding opportunities, on regional innovation strategies.

“(e) **EVALUATION.**—

“(1) **IN GENERAL.**—Not later than 4 years after the date of enactment of this section, the Secretary shall enter into a contract with an independent entity, such as the National Academy of Sciences, to conduct an evaluation of the program established under subsection (a).

“(2) **REQUIREMENTS.**—The evaluation shall include—

“(A) whether such program is achieving its goals;

“(B) any recommendations for how such program may be improved; and

“(C) a recommendation as to whether such program should be continued or terminated.

“(f) **REGIONAL INNOVATION CLUSTER DEFINED.**—The term ‘regional innovation cluster’ means a geographically bounded network of similar, synergistic, or complementary entities that—

“(1) are engaged in or with a particular industry sector;

“(2) have active channels for business transactions and communication;

“(3) share specialized infrastructure, labor markets, and services; and

“(4) leverage the region’s unique competitive strengths to stimulate innovation and create jobs.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2011 through 2015 to carry out this section, including such sums as are necessary to carry out the evaluation required under subsection (e).”

TITLE VI—DEPARTMENT OF ENERGY

Subtitle A—Office of Science

SEC. 601. SHORT TITLE.

This subtitle may be cited as the “Department of Energy Office of Science Authorization Act of 2010”.

SEC. 602. DEFINITIONS.

Except as otherwise provided, in this subtitle:

(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **DIRECTOR.**—The term “Director” means the Director of the Office of Science.

(3) **OFFICE OF SCIENCE.**—The term “Office of Science” means the Department of Energy Office of Science.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

SEC. 603. MISSION OF THE OFFICE OF SCIENCE.

(a) **MISSION.**—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.

(b) **DUTIES.**—In support of this mission, the Secretary shall carry out, through the Office of Science, programs on basic energy sciences, biological and environmental research, advanced scientific computing research, fusion energy sciences, high energy physics, and nuclear physics through activities focused on—

(1) Science for Discovery to unravel nature’s mysteries through the study of subatomic particles, atoms, and molecules that make up the materials of our everyday world to DNA, proteins, cells, and entire biological systems;

(2) Science for National Need by—

(A) advancing a clean energy agenda through research on energy production, storage, transmission, efficiency, and use; and

(B) advancing our understanding of the Earth’s climate through research in atmospheric and environmental sciences and climate change; and

(3) National Scientific User Facilities to deliver the 21st century tools of science, engineering, and technology and provide the Nation’s researchers with the most advanced tools of modern science including accelerators, colliders, supercomputers, light sources and neutron sources, and facilities for studying the nanoworld.

(c) **SUPPORTING ACTIVITIES.**—The activities described in subsection (b) shall include providing for relevant facilities and infrastructure, analysis, coordination, and education and outreach activities.

(d) **USER FACILITIES.**—The Director shall carry out the construction, operation, and maintenance of user facilities to support the activities described in subsection (b). As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities for the purposes of advancing the missions of the Department.

(e) **OTHER AUTHORIZED ACTIVITIES.**—In addition to the activities authorized under this subtitle, the Office of Science shall carry out such other activities it is authorized or required to carry out by law.

(f) **COORDINATION AND JOINT ACTIVITIES.**—The Department’s Under Secretary for Science shall ensure the coordination of activities under this subtitle with the other activities of the Department, and shall support joint activities among the programs of the Department.

(g) **DOMESTICALLY SOURCED HARDWARE.**—

(1) **PLAN.**—The Director shall develop a plan to increase the percentage of domestically sourced hardware for planned and ongoing projects of the Department of Energy. In developing this plan, the Director shall—

(A) give consideration to technologies that the United States does not currently have the capacity to manufacture and to procurement activities that can strengthen United States high-technology competitiveness broadly;

(B) seek opportunities to engage and partner with domestic manufacturers; and

(C) annually assess levels of domestically available goods relevant to planned and ongoing projects of the Office of Science.

(2) **INTERNATIONAL AGREEMENTS.**—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(3) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, the Director shall transmit the plan developed under this subsection to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives, and shall transmit any appropriate updates to those committees.

(h) **MERIT-REVIEWED STUDY.**—As part of the President's annual budget request, the Secretary shall include a detailed summary of the degree to which current research activities are competitive and merit-reviewed, including a list of activities that would have been undertaken in the absence of Congressionally-directed projects and an analysis of the effects of increasing the proportion of competitive, merit-reviewed activities on the strategic objectives of the Office of Science.

SEC. 604. BASIC ENERGY SCIENCES PROGRAM.

(a) **PROGRAM.**—As part of the activities authorized under section 603, the Director shall carry out a program in basic energy sciences, including materials sciences and engineering, chemical sciences, physical biosciences, and geosciences, for the purpose of providing the scientific foundations for new energy technologies.

(b) **BASIC ENERGY SCIENCES USER FACILITIES.**—

(1) **IN GENERAL.**—The Director shall carry out a program for the construction, operation, and maintenance of national user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine new materials and chemical processes for the purposes of advancing new energy technologies and improving the competitiveness of the United States. These facilities shall include—

- (A) x-ray light sources;
- (B) neutron sources;
- (C) electron beam microcharacterization centers;
- (D) nanoscale science research centers; and
- (E) other facilities the Director considers appropriate, consistent with section 603(d).

(2) **FACILITY CONSTRUCTION AND UPGRADES.**—Consistent with the Office of Science's project management practices, the Director shall support construction of—

- (A) the National Synchrotron Light Source II;
- (B) a Second Target Station at the Spallation Neutron Source; and
- (C) an upgrade of the Advanced Photon Source to improve brightness and performance.

(c) **ENERGY FRONTIER RESEARCH CENTERS.**—

(1) **IN GENERAL.**—The Director shall carry out a grant program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs related to needs identified in—

(A) the Grand Challenges report of the Department's Basic Energy Sciences Advisory Committee;

(B) the Basic Energy Sciences Basic Research Needs workshop reports;

(C) energy-related Grand Challenges for Engineering, as described by the National Academy of Engineering; or

(D) other relevant reports identified by the Director.

(2) **COLLABORATIONS.**—A collaboration receiving a grant under this subsection may include multiple types of institutions and private sector entities.

(3) **SELECTION AND DURATION.**—

(A) **IN GENERAL.**—A collaboration under this subsection shall be selected for a period of 5 years.

(B) **REAPPLICATION.**—After the end of the period described in subparagraph (A), a grantee may reapply for selection for a second period of 5 years on a competitive, merit-reviewed basis.

(4) **NO FUNDING FOR CONSTRUCTION.**—No funding provided pursuant to this subsection may be used for the construction of new buildings or facilities.

(d) **ACCELERATOR RESEARCH AND DEVELOPMENT.**—The Director shall carry out research and development on advanced accelerator technologies relevant to the development of Basic Energy Sciences user facilities, in consultation with the Office of Science's High Energy Physics and Nuclear Physics programs.

SEC. 605. BIOLOGICAL AND ENVIRONMENTAL RESEARCH PROGRAM.

(a) **IN GENERAL.**—As part of the activities authorized under section 603, and coordinated with the activities authorized in section 604, the Director shall carry out a program of research, development, and demonstration in the areas of biological systems science and climate and environmental science to support the energy and environmental missions of the Department.

(b) **BIOLOGICAL SYSTEMS SCIENCE ACTIVITIES.**—

(1) **ACTIVITIES.**—As part of the activities authorized under subsection (a), the Director shall carry out research, development, and demonstration activities in fundamental, structural, computational, and systems biology to increase systems-level understanding of complex biological systems, which shall include activities to—

(A) accelerate breakthroughs and new knowledge that will enable cost-effective sustainable production of—

- (i) biomass-based liquid transportation fuels, including hydrogen;
- (ii) bioenergy; and
- (iii) biobased products,

that support the energy and environmental missions of the Department;

(B) improve understanding of the global carbon cycle, including processes for removing carbon dioxide from the atmosphere, through photosynthesis and other biological processes, for sequestration and storage; and

(C) understand the biological mechanisms used to destroy, immobilize, or remove contaminants from subsurface environments.

(2) **RESEARCH PLAN.**—

(A) **REQUIREMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall prepare and transmit to Congress a research plan describing how the activities authorized under this subsection will be undertaken.

(B) **UTILIZATION OF EXISTING PLAN.**—In developing the plan in subparagraph (A), the Director may utilize an existing research plan and update such plan to incorporate the activities identified in paragraph (1).

(C) **UPDATES.**—Not later than 3 years after the initial report under this paragraph, and at least once every 3 years thereafter, the Director shall update the research plan and transmit it to Congress.

(3) **BIOENERGY RESEARCH CENTERS.**—

(A) **IN GENERAL.**—In carrying out the activities under paragraph (1), the Director shall support at least 3 bioenergy research centers to accelerate basic biological research, development, demonstration, and commercial application of biomass-based liquid transportation fuels, bioenergy, and biobased products that support the energy and environmental missions of the Department and are produced from a variety of regionally diverse feedstocks.

(B) **GEOGRAPHIC DISTRIBUTION.**—The Director shall ensure that the bioenergy research centers under this paragraph are established in geographically diverse locations.

(C) **SELECTION AND DURATION.**—A center established under subparagraph (A) shall be selected on a competitive, merit-reviewed basis for a period of 5 years beginning on the date of establishment of that center. A center already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years beginning on the date of establishment of that center.

(4) **ENABLING SYNTHETIC BIOLOGY PLAN.**—

(A) **IN GENERAL.**—The Secretary, in consultation with other relevant Federal agencies, the academic community, research-based nonprofit entities, and the private sector, shall develop a comprehensive plan for federally supported research and development activities that will support the energy and environmental missions of the Department and enable a competitive synthetic biology industry in the United States.

(B) **PLAN.**—The plan developed under subparagraph (A) shall assess the need to create a database for synthetic biology information, the need and process for developing standards for biological parts, components and systems, and the need for a federally funded facility that enables the discovery, design, development, production, and systematic use of parts, components, and systems created through synthetic biology. The plan shall describe the role of the Federal Government in meeting these needs.

(C) **SUBMISSION TO CONGRESS.**—The Secretary shall transmit the plan developed under subparagraph (A) to the Congress not later than 9 months after the date of enactment of this Act.

(5) **COMPUTATIONAL BIOLOGY AND SYSTEMS BIOLOGY KNOWLEDGEBASE.**—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research in computational biology, acquire or otherwise ensure the availability of hardware for biology-specific computation, and establish and maintain an open virtual database and information management system to centrally integrate systems biology data, analytical software, and computational modeling tools that will allow data sharing and free information exchange within the scientific community.

(6) **PROHIBITION ON BIOMEDICAL AND HUMAN CELL AND HUMAN SUBJECT RESEARCH.**—

(A) **NO BIOMEDICAL RESEARCH.**—In carrying out activities under subsection (b), the Secretary shall not conduct biomedical research.

(B) **LIMITATIONS.**—Nothing in subsection (b) shall authorize the Secretary to conduct any research or demonstrations—

- (i) on human cells or human subjects; or
- (ii) designed to have direct application with respect to human cells or human subjects.

(C) **INFORMATION SHARING.**—Nothing in this paragraph shall restrict the Department from sharing information, including research findings, research methodologies, models, or any other information, with any Federal agency.

(7) **REPEAL.**—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is repealed.

(c) **CLIMATE AND ENVIRONMENTAL SCIENCES ACTIVITIES.**—

(1) **IN GENERAL.**—As part of the activities authorized under subsection (a), the Director shall carry out climate and environmental science research, which shall include activities to—

(A) understand, observe, and model the response of the Earth's atmosphere and biosphere, including oceans, to increased concentrations of greenhouse gas emissions, and any associated changes in climate;

(B) understand the processes for sequestration, destruction, immobilization, or removal of, and understand the movement of, contaminants and carbon in subsurface environments, including at facilities of the Department; and

(C) inform potential mitigation and adaptation options for increased concentrations of greenhouse gas emissions and any associated changes in climate.

(2) **SUBSURFACE BIOGEOCHEMISTRY RESEARCH.**—

(A) **IN GENERAL.**—As part of the activities described in paragraph (1), the Director shall carry out research to advance a fundamental understanding of coupled physical, chemical, and biological processes for controlling the movement of sequestered carbon and subsurface environmental contaminants, including field observations of subsurface microorganisms and field-scale subsurface research.

(B) COORDINATION.—

(i) DIRECTOR.—The Director shall carry out activities under this paragraph in accordance with priorities established by the Department's Under Secretary for Science to support and accelerate the decontamination of relevant facilities managed by the Department.

(ii) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this paragraph, to support and accelerate the decontamination of relevant facilities managed by the Department.

(3) NEXT-GENERATION ECOSYSTEM-CLIMATE EXPERIMENT.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director, in collaboration with other relevant agencies that are participants in the United States Global Change Research Program, shall carry out the selection and development of a next-generation ecosystem-climate change experiment to understand the impact and feedbacks of increased temperature and elevated carbon levels on ecosystems.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to the Congress a report containing—

(i) an identification of the location or locations that have been selected for the experiment described in subparagraph (A);

(ii) a description of the need for additional experiments; and

(iii) an associated research plan.

(4) AMERIFLUX NETWORK COORDINATION AND RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research and coordinate the AmeriFlux Network to directly observe and understand the exchange of greenhouse gases, water vapor, and heat energy within terrestrial ecosystems and the response of those systems to climate change and other dynamic terrestrial landscape changes. The Director, in collaboration with other relevant Federal agencies, shall—

(A) identify opportunities to incorporate innovative and emerging observation technologies and practices into the existing Network;

(B) conduct research to determine the need for increased greenhouse gas observation Network facilities across North America to meet future mitigation and adaptation needs of the United States; and

(C) examine how the technologies and practices described in subparagraph (A), and increased coordination among scientific communities through the Network, have the potential to help characterize terrestrial baseline greenhouse gas emission sources and sinks in the United States and internationally.

(5) CLIMATE AND EARTH MODELING.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research to develop, evaluate, and use high-resolution regional climate, global climate, Earth, and predictive models to inform decisions on reducing the impacts of changing climate.

(6) INTEGRATED ASSESSMENT RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research into options for mitigation of and adaptation to climate change through multiscale models of the entire climate system. Such modeling shall include human processes and greenhouse gas emissions, land use, and interaction among human and Earth systems.

(7) COORDINATION.—The Director shall coordinate activities under this subsection with other Office of Science activities and with the United States Global Change Research Program.

(d) USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of user facilities to support the program under this section. As practicable,

these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities.

(2) INCLUDED FUNCTIONS.—User facilities described in paragraph (1) shall include facilities which carry out—

(A) genome sequencing and analysis of plants, microbes, and microbial communities using high throughput tools, technologies, and comparative analysis;

(B) molecular level research in biological, chemical, environmental, and subsurface sciences, including synthesis, dynamic properties, and interactions among natural and engineered materials; and

(C) measurement of cloud and aerosol properties used for examining atmospheric processes and evaluating climate model performance, including ground stations at various locations, mobile resources, and aerial vehicles.

SEC. 606. ADVANCED SCIENTIFIC COMPUTING RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, the Director shall carry out a research, development, demonstration, and commercial application program to advance computational and networking capabilities to analyze, model, simulate, and predict complex phenomena relevant to the development of new energy technologies and the competitiveness of the United States.

(b) COORDINATION.—

(1) DIRECTOR.—The Director shall carry out activities under this section in accordance with priorities established by the Department's Under Secretary for Science to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(2) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this section, to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(c) RESEARCH TO SUPPORT ENERGY APPLICATIONS.—As part of the activities authorized under subsection (a), the program shall support research in high-performance computing and networking relevant to energy applications, including both basic and applied energy research programs carried out by the Secretary.

(d) REPORTS.—

(1) ADVANCED COMPUTING FOR ENERGY APPLICATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a plan to integrate and leverage the expertise and capabilities of the program described in subsection (a), as well as other relevant computational and networking research programs and resources supported by the Federal Government, to advance the missions of the Department's applied energy and energy efficiency programs.

(2) EXASCALE COMPUTING.—At least 18 months prior to the initiation of construction or installation of any exascale-class computing facility, the Secretary shall transmit a plan to the Congress detailing—

(A) the proposed facility's cost projections and capabilities to significantly accelerate the development of new energy technologies;

(B) technical risks and challenges that must be overcome to achieve successful completion and operation of the facility; and

(C) an assessment of the scientific and technological advances expected from such a facility relative to those expected from a comparable investment in expanded research and applications at terascale-class and petascale-class computing facilities.

(e) APPLIED MATHEMATICS AND SOFTWARE DEVELOPMENT FOR HIGH-END COMPUTING SYSTEMS.—The Director shall carry out activities to

develop, test, and support mathematics, models, and algorithms for complex systems, as well as programming environments, tools, languages, and operating systems for high-end computing systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541)).

(f) HIGH-END COMPUTING FACILITIES.—The Director shall—

(1) provide for sustained access by the public and private research community in the United States to high-end computing systems, including access to the National Energy Research Scientific Computing Center and to Leadership Systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541));

(2) provide technical support for users of such systems; and

(3) conduct research and development on next-generation computing architectures and platforms to support the missions of the Department.

(g) OUTREACH.—The Secretary shall conduct outreach programs and may form partnerships to increase the use of and access to high-performance computing modeling and simulation capabilities by industry, including manufacturers.

SEC. 607. FUSION ENERGY RESEARCH PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a fusion energy sciences research and enabling technology development program to effectively address the scientific and engineering challenges to building a cost-competitive fusion power plant and a competitive fusion power industry in the United States. As part of this program, the Director shall carry out research activities to expand the fundamental understanding of plasmas and matter at very high temperatures and densities.

(b) ITER.—The Director shall coordinate and carry out the responsibilities of the United States with respect to the ITER international fusion project pursuant to the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project.

(c) IDENTIFICATION OF PRIORITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the Department's proposed research and development activities in magnetic fusion over the 10 years following the date of enactment of this Act under four realistic budget scenarios. The report shall—

(1) identify specific areas of fusion energy research and enabling technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort; and

(2) identify priorities for initiation of facility construction and facility decommissioning under each of those scenarios.

(d) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—The Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department, shall carry out research and development activities to identify, characterize, and create materials that can endure the neutron, plasma, and heat fluxes expected in a commercial fusion power plant. As part of the activities authorized under subsection (c), the Secretary shall—

(1) provide an assessment of the need for a facility or facilities that can examine and test potential fusion and next generation fission materials and other enabling technologies relevant to the development of commercial fusion power plants; and

(2) provide an assessment of whether a single new facility that substantially addresses magnetic fusion, inertial fusion, and next generation fission materials research needs is feasible, in conjunction with the expected capabilities of facilities operational as of the date of enactment of this Act.

(e) **ENABLING TECHNOLOGY DEVELOPMENT.**—The Director shall carry out activities to develop technologies necessary to enable the reliable, sustainable, safe, and economically competitive operation of a commercial fusion power plant.

(f) **FUSION SIMULATION PROJECT.**—In collaboration with the Office of Science's Advanced Scientific Computing Research program described in section 606, the Director shall carry out a computational project to advance the capability of fusion researchers to accurately simulate an entire fusion energy system.

(g) **INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT PROGRAM.**—The Secretary shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam and laser fusion. Not later than 180 days after the release of a report from the National Academies on inertial fusion energy research, the Secretary shall transmit to Congress a report describing the Department's plan to incorporate any relevant recommendations from the National Academies' report into this program.

SEC. 608. HIGH ENERGY PHYSICS PROGRAM.

(a) **PROGRAM.**—As part of the activities authorized under section 603, the Director shall carry out a research program on the elementary constituents of matter and energy and the nature of space and time.

(b) **NEUTRINO RESEARCH.**—As part of the program described in subsection (a), the Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may—

(1) include collaborations with the National Science Foundation on relevant projects; and

(2) utilize components of existing accelerator facilities to produce neutrino beams of sufficient intensity to explore research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences.

(c) **DARK ENERGY AND DARK MATTER RESEARCH.**—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of dark energy and dark matter. These activities shall be consistent with research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences, and may include—

(1) the development of space-based and land-based facilities and experiments; and

(2) collaborations with the National Aeronautics and Space Administration, the National Science Foundation, or international collaborations on relevant research projects.

(d) **ACCELERATOR RESEARCH AND DEVELOPMENT.**—The Director shall carry out research and development in advanced accelerator concepts and technologies to reduce the necessary scope and cost for the next generation of particle accelerators.

(e) **INTERNATIONAL COLLABORATION.**—The Director, as practicable and in coordination with other appropriate Federal agencies as necessary, shall ensure the access of United States researchers to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

SEC. 609. NUCLEAR PHYSICS PROGRAM.

(a) **PROGRAM.**—As part of the activities authorized under section 603, the Director shall carry out a research program, and support relevant facilities, to discover and understand various forms of nuclear matter.

(b) **FACILITY CONSTRUCTION AND UPGRADES.**—Consistent with the Office of Science's project management practices, the Director shall carry out—

(1) an upgrade of the Continuous Electron Beam Accelerator Facility to a 12 gigaelectronvolt beam of electrons; and

(2) construction of the Facility for Rare Isotope Beams.

(c) **ISOTOPE DEVELOPMENT AND PRODUCTION FOR RESEARCH APPLICATIONS.**—The Director shall carry out a program for the production of

isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, excluding medical research. In making this determination, the Secretary shall consider any relevant recommendations made by Federal advisory committees, the National Academies, and interagency working groups in which the Department participates.

SEC. 610. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(a) **PROGRAM.**—The Director shall carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at Office of Science laboratories. The program shall include projects to—

(1) renovate or replace space that does not meet research needs;

(2) replace facilities that are no longer cost effective to renovate or operate;

(3) modernize utility systems to prevent failures and ensure efficiency;

(4) remove excess facilities to allow safe and efficient operations; and

(5) construct modern facilities to conduct advanced research in controlled environmental conditions.

(b) **MINOR CONSTRUCTION PROJECTS.**—

(1) **AUTHORITY.**—Using operation and maintenance funds or facilities and infrastructure funds authorized by law, the Secretary may carry out minor construction projects with respect to laboratories administered by the Office of Science.

(2) **ANNUAL REPORT.**—The Secretary shall submit to Congress, as part of the annual budget submission of the Department, a report on each exercise of the authority under subsection (a) during the preceding fiscal year. Each report shall include a summary of maintenance and infrastructure needs and associated funding requirements at each of the laboratories, including the amount of both planned and deferred infrastructure spending at each laboratory. Each report shall provide a brief description of each minor construction project covered by the report.

(3) **COST VARIATION REPORTS.**—If, at any time during the construction of any minor construction project, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to Congress a report explaining the reasons for the cost variation.

(4) **DEFINITIONS.**—In this section—

(A) the term “minor construction project” means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold; and

(B) the term “minor construction threshold” means \$10,000,000, with such amount to be adjusted by the Secretary in accordance with the Engineering News-Record Construction Cost Index, or an appropriate alternative index as determined by the Secretary, once every five years after the date of enactment of this Act.

(5) **NONAPPLICABILITY.**—Sections 4703 and 4704 of the Atomic Energy Defense Act (50 U.S.C. 2743 and 2744) shall not apply to laboratories administered by the Office of Science.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the activities of the Office of Science—

(1) \$5,247,000,000 for fiscal year 2011, of which—

(A) \$1,875,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) \$667,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) \$466,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(2) \$5,614,000,000 for fiscal year 2012, of which—

(A) \$2,025,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) \$720,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) \$503,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(3) \$6,007,000,000 for fiscal year 2013, of which—

(A) \$2,187,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) \$778,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) \$544,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(4) \$6,428,000,000 for fiscal year 2014, of which—

(A) \$2,362,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) \$840,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) \$587,000,000 shall be for Advanced Scientific Computing Research activities under section 606; and

(5) \$6,878,000,000 for fiscal year 2015, of which—

(A) \$2,551,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) \$907,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) \$634,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

Subtitle B—Advanced Research Projects Agency-Energy

SEC. 621. SHORT TITLE.

This subtitle may be cited as the “ARPA-E Reauthorization Act of 2010”.

SEC. 622. ARPA-E AMENDMENTS.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by inserting “and applied” after “advances in fundamental”;

(B) by striking “and” at the end of subparagraph (B);

(C) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(D) by adding at the end the following new subparagraph:

“(D) promoting the commercial application of advanced energy technologies.”;

(2) in subsection (e)(3), by amending subparagraph (C) to read as follows:

“(C) research and development of advanced manufacturing process and technologies for the domestic manufacturing of novel energy technologies; and”;

(3) in subsection (e)—

(A) by striking “and” at the end of paragraph (3)(D);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) pursuant to subsection (c)(2)(C)—

“(A) ensuring that applications for funding disclose the extent of current and prior efforts, including monetary investments as appropriate, in pursuit of the technology area for which funding is being requested;

“(B) adopting measures to ensure that, in making awards, program managers adhere to the objectives in subsection (c)(2)(C); and

“(C) providing as part of the annual report required by subsection (h)(1) a summary of the instances of and reasons for ARPA-E funding projects in technology areas already being undertaken by industry.”;

(4) by redesignating subsections (f) through (m) as subsections (g), (h), (i), (j), (l), (m), (n), and (o), respectively;

(5) by inserting after subsection (e) the following new subsection:

“(f) **AWARDS.**—In carrying out this section, the Director shall initiate and execute awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions.”;

(6) in subsection (g), as so redesignated by paragraph (4) of this section—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following new paragraph:

“(1) **IN GENERAL.**—The Director shall establish and maintain within ARPA-E a staff with sufficient qualifications and expertise to enable ARPA-E to carry out its responsibilities under this section in conjunction with the operations of the rest of the Department.”;

(C) in paragraph (2)(A), as so redesignated by subparagraph (A) of this paragraph—

(i) in the paragraph heading, by striking “PROGRAM MANAGERS” and inserting “PROGRAM DIRECTORS”;

(ii) by striking “program managers” and inserting “program directors”;

(iii) by striking “each of”.

(D) in paragraph (2)(B), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking “program manager” and inserting “program director”;

(ii) in clause (iv), by striking “, with advice under subsection (j) as appropriate.”;

(iii) by redesignating clauses (v) and (vi) as clauses (vi) and (viii), respectively;

(iv) by inserting after clause (iv) the following new clause:

“(v) identifying innovative cost-sharing arrangements for ARPA-E projects, including through use of the authority under section 988(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(3));”;

(v) in clause (vi), as so redesignated by clause (iii) of this subparagraph, by striking “; and” and inserting a semicolon; and

(vi) by inserting after clause (vi), as so redesignated by clause (iii) of this subparagraph, the following new clause:

“(vii) identifying mechanisms for commercial application of successful energy technology development projects, including through establishment of partnerships between awardees and commercial entities; and”;

(E) in paragraph (2)(C), as so redesignated by subparagraph (A) of this paragraph, by inserting “up to” after “shall be”;

(F) in paragraph (3), as so redesignated by subparagraph (A) of this paragraph, by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(G) by adding at the end the following new paragraph:

“(4) **FELLOWSHIPS.**—The Director is authorized to select exceptional early-career and senior scientific, legal, business, and technical personnel to serve as fellows to work at ARPA-E for terms not to exceed two years. Responsibilities of fellows may include—

“(A) supporting program managers in program creation, design, implementation, and management;

“(B) exploring technical fields for future ARPA-E program areas;

“(C) assisting the Director in the creation of the strategic vision for ARPA-E referred to in subsection (h)(2);

“(D) preparing energy technology and economic analyses; and

“(E) any other appropriate responsibilities identified by the Director.”;

(7) in subsection (h)(2), as so redesignated by paragraph (4) of this section—

(A) by striking “2008” and inserting “2010”; and

(B) by striking “2011” and inserting “2013”;

(8) by amending subsection (j), as so redesignated by paragraph (4) of this section, to read as follows:

“(j) **FEDERAL DEMONSTRATION OF TECHNOLOGIES.**—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate energy technologies resulting from activities funded through ARPA-E.”;

(9) by inserting after such subsection (j) the following new subsection:

“(k) **EVENTS.**—

“(1) The Director is authorized to convene, organize, and sponsor events that further the objectives of ARPA-E, including events that assemble awardees, the most promising applicants for ARPA-E funding, and a broad range of ARPA-E stakeholders (which may include members of relevant scientific research and academic communities, government officials, financial institutions, private investors, entrepreneurs, and other private entities), for the purposes of—

“(A) demonstrating projects of ARPA-E awardees;

“(B) demonstrating projects of finalists for ARPA-E awards and other energy technology projects;

“(C) facilitating discussion of the commercial application of energy technologies developed under ARPA-E and other government-sponsored research and development programs; or

“(D) such other purposes as the Director considers appropriate.

“(2) Funding for activities described in paragraph (1) shall be provided as part of the technology transfer and outreach activities authorized under subsection (o)(4)(B).”;

(10) in subsection (m)(1), as so redesignated by paragraph (4) of this section, by striking “4 years” and inserting “6 years”;

(11) in subsection (m)(2)(B), as so redesignated by paragraph (4) of this section, by inserting “, and how those lessons may apply to the operation of other programs within the Department of Energy” after “ARPA-E”;

(12) by amending subsection (o)(2), as so redesignated by paragraph (4) of this section, to read as follows:

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to paragraph (4), there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

“(A) \$300,000,000 for fiscal year 2011;

“(B) \$450,000,000 for fiscal year 2012;

“(C) \$600,000,000 for fiscal year 2013;

“(D) \$800,000,000 for fiscal year 2014; and

“(E) \$1,000,000,000 for fiscal year 2015.”;

(13) in subsection (o), as so redesignated by paragraph (4) of this section, by—

(A) striking paragraph (4); and

(B) redesignating paragraph (5) as paragraph (4); and

(14) in subsection (o)(4)(B), as so redesignated by paragraphs (4) and (13)(B) of this subsection—

(A) by striking “2.5 percent” and inserting “5 percent”; and

(B) by inserting “, consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors as specified in subsection (g)(2)(B)(vii)” after “outreach activities”.

Subtitle C—Energy Innovation Hubs

SEC. 631. SHORT TITLE.

This subtitle may be cited as the “Energy Innovation Hubs Authorization Act of 2010”.

SEC. 632. ENERGY INNOVATION HUBS.

(a) **ESTABLISHMENT OF PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Energy shall carry out a program to enhance the Nation’s economic, environmental, and energy security by making grants to consortia for establishing and operating Energy Innovation Hubs to conduct and support, whenever practicable at one centralized location, multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies in areas not being served by the private sector.

(2) **TECHNOLOGY DEVELOPMENT FOCUS.**—The Secretary shall designate for each Hub a unique advanced energy technology development focus.

(3) **COORDINATION.**—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of Hubs with those of other Department of Energy research entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Centers, and within industry. Such coordination shall include convening and consulting with representatives of staff of the Department of Energy, representatives from Hubs and the qualifying entities that are members of the consortia operating the Hubs, and representatives of such other entities as the Secretary considers appropriate, to share research results, program plans, and opportunities for collaboration.

(4) **ADMINISTRATION.**—The Secretary shall administer this section with respect to each Hub through the Department program office appropriate to administer the subject matter of the technology development focus assigned under paragraph (2) for the Hub.

(b) **CONSORTIA.**—

(1) **ELIGIBILITY.**—To be eligible to receive a grant under this section for the establishment and operation of a Hub, a consortium shall—

(A) be composed of no fewer than 2 qualifying entities;

(B) operate subject to a binding agreement entered into by its members that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures to enable cost-effective implementation of the program under this section;

(iii) a proposed budget, including financial contributions from non-Federal sources;

(iv) conflict of interest procedures consistent with subsection (d)(3), all known material conflicts of interest, and corresponding mitigation plans;

(v) an accounting structure that enables the Secretary to ensure that the consortium has complied with the requirements of this section; and

(vi) an external advisory committee consistent with subsection (d)(2); and

(C) operate as a nonprofit organization.

(2) **APPLICATION.**—A consortium seeking to establish and operate a Hub under this section, acting through a prime applicant, shall transmit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary shall require, including a detailed description of the elements of the consortium agreement required under paragraph (1)(B). If the consortium members will not be located at one centralized location, such application shall include a communications plan that ensures close coordination and integration of the Hub’s activities.

(c) **SELECTION AND SCHEDULE.**—The Secretary shall select consortia for grants for the establishment and operation of Hubs through competitive selection processes. Grants made to a Hub shall be for a period not to exceed 5 years, after which the grant may be renewed, subject to a competitive selection process.

(d) **HUB OPERATIONS.**—

(1) **IN GENERAL.**—Hubs shall conduct or provide for multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies within the technology development focus designated for the Hub by the Secretary under subsection (a)(2). Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium and awardees by conducting activities whenever practicable at one centralized location;

(B) develop and publish on the Department of Energy’s website proposed plans and programs;

(C) submit an annual report to the Secretary summarizing the Hub’s activities, including detailing organizational expenditures, listing external advisory committee members, and describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(2) **EXTERNAL ADVISORY COMMITTEE.**—Each Hub shall establish an external advisory committee, the membership of which shall have sufficient expertise to advise and provide guidance on scientific, technical, industry, financial, and research management matters.

(3) **CONFLICTS OF INTEREST.**—

(A) **PROCEDURES.**—Hubs shall establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and consortia designees for Hub activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest.

(B) **DISQUALIFICATION AND REVOCATION.**—The Secretary may disqualify an application or revoke funds distributed to a Hub if the Secretary discovers a failure to comply with conflict of interest procedures established under subparagraph (A).

(e) **PROHIBITION ON CONSTRUCTION.**—

(1) **IN GENERAL.**—No funds provided pursuant to this section may be used for construction of new buildings or facilities for Hubs. Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(2) **TEST BED AND RENOVATION EXCEPTION.**—Nothing in this subsection shall prohibit the use of funds provided pursuant to this section, or non-Federal cost share funds, for the construction of a test bed or renovations to existing buildings or facilities for the purposes of research if the Oversight Board determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

(f) **OVERSIGHT BOARD.**—The Secretary shall establish and maintain within the Department an Oversight Board to oversee the progress of Hubs.

(g) **PRIORITY CONSIDERATION.**—The Secretary shall give priority consideration to applications in which 1 or more of the institutions under subsection (b)(1)(A) are 1890 Land Grant Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061)), Predominantly Black Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)), Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))), or Hispanic Serving Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)).

(h) **DEFINITIONS.**—For purposes of this section:

(1) **ADVANCED ENERGY TECHNOLOGY.**—The term “advanced energy technology” means an innovative technology—

(A) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;

(B) that produces nuclear energy;

(C) for carbon capture and sequestration;

(D) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;

(E) that generates, transmits, distributes, utilizes, or stores energy more efficiently than conventional technologies; or

(F) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas.

(2) **HUB.**—The term “Hub” means an Energy Innovation Hub established in accordance with this section.

(3) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) **QUALIFYING ENTITY.**—The term “qualifying entity” means—

(A) an institution of higher education;

(B) an appropriate State or Federal entity, including the Department of Energy Federally Funded Research and Development Centers;

(C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or

(D) any other relevant entity the Secretary considers appropriate.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section—

(1) \$110,000,000 for fiscal year 2011;

(2) \$135,000,000 for fiscal year 2012;

(3) \$195,000,000 for fiscal year 2013;

(4) \$210,000,000 for fiscal year 2014; and

(5) \$210,000,000 for fiscal year 2015.

Subtitle D—Cooperative Research and Development Fund

SEC. 641. SHORT TITLE.

This subtitle may be cited as the “Cooperative Research and Development Fund Authorization Act of 2010”.

SEC. 642. COOPERATIVE RESEARCH AND DEVELOPMENT FUND.

(a) **IN GENERAL.**—The Secretary of Energy shall make funds available to Department of Energy National Laboratories for the Federal share of cooperative research and development agreements. The Secretary of Energy shall determine the apportionment of such funds to each Department of Energy National Laboratory and shall ensure that special consideration is given to small business firms and consortia involving small business firms in the selection process for which cooperative research and development agreements will receive such funds.

(b) **REPORTING.**—Each year the Secretary shall submit to Congress a report that describes how funds were expended under this subtitle.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section each fiscal year. No funds allocated for this section shall come from funds allocated for the Office of Science.

TITLE VII—MISCELLANEOUS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that, among the programs and activities authorized in this Act, those that correspond to the recommendations of the National Academy of Sciences’ 2005 report entitled “Rising Above the Gathering Storm” remain critical to maintaining long-term United States economic competitiveness, and accordingly shall receive funding priority.

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act, institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf and those with programs serving or those serving disabled veterans, shall receive special consideration and have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such activities and programs.

SEC. 703. VETERANS AND SERVICE MEMBERS.

In awarding scholarships and fellowships under this Act, an institution of higher education shall give preference to applications from veterans and service members, including those who have received or will receive the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234 (10 U.S.C. 1121 note; 118 Stat. 655) and Executive Order No. 13363.

The CHAIR. No amendment to the committee amendment in the nature of

a substitute is in order except those printed in part B of the report and amendments en bloc described in section 3 of House Resolution 1344. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Science and Technology or his designee to offer amendments en bloc consisting of amendments printed in part B of the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chair and ranking minority member of the committee or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–479.

Mr. GORDON of Tennessee. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 94, line 10, strike “in the research” and insert “in research on the topic”.

Page 102, lines 1 through 9, section 243 is amended to read as follows:

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(h)(1)) is amended to read as follows:

“(1) **IN GENERAL.**—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

“(A) in the case of grants in an amount of less than \$1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

“(B) in the case of grants in an amount of \$1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.”.

Page 123, line 13, strike “10 or more undergraduate STEM students” and insert “6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites”.

Page 126, line 9, insert “, except for institutions of higher education” after “private sector entities”.

Page 131, lines 17 and 18, strike “teachers, administrators, local education agencies”

and insert “teachers and administrators in both public and private schools, local educational agencies”.

Page 135, line 13, strike “and”.

Page 135, line 14, insert “and” after the semicolon.

Page 135, after line 14, insert the following new clause:

“(ix) carbon capture and sequestration science and engineering;”.

Page 174, after line 13, insert the following:

SEC. 412. REPORT ON THE USE OF MODELING AND SIMULATION.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director shall submit a report to Congress examining the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(b) SPECIFIC REQUIREMENTS.—Such report shall include the following:

(1) An assessment of the current utilization of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(2) An examination of any barriers or challenges to the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers, including—

(A) access to high-performance computing facilities and resources;

(B) the availability of software and other applications tailored to meet the needs of such manufacturers;

(C) appropriate expertise and training; and

(D) the availability of tools and other methods to understand and manage the costs and risks associated with transitioning to the use of computational modeling and simulation.

(3) Recommendations for addressing any barriers or challenges identified in paragraph (2) and, if appropriate, suggestions for action that the Federal Government may take to foster the development and utilization of high-performance computing resources by small- and medium-sized manufacturers.

(c) CONSULTATION.—In carrying out this section, the Director shall consult with the Office of Science and Technology Policy and with other relevant Federal agencies.

Page 175, line 16, strike “and advocating”.

Page 180, strike line 13 and all that follows through line 20 and insert the following:

“(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.”.

Page 184, line 8, strike “ANNUAL” and insert “COMPTROLLER GENERAL”.

Page 184, line 8, strike “The Comptroller General” and insert “The Comptroller General of the United States”.

Page 184, line 9, strike “an annual” and insert “a biennial”.

Page 194, strike line 20 and all that follows through page 195, line 6, and insert the following:

“(f) DEFINITIONS.—In this section:

“(1) REGIONAL INNOVATION CLUSTER.—The term ‘regional innovation cluster’ means a geographically bounded network of similar, synergistic, or complementary entities that—

“(A) are engaged in or with a particular industry sector;

“(B) have active channels for business transactions and communication;

“(C) share specialized infrastructure, labor markets, and services; and

“(D) leverage the region’s unique competitive strengths to stimulate innovation and create jobs.

“(2) STATE.—The term ‘State’ means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the

Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

Page 198, lines 13 and 14, strike “Department of Energy” and insert “Office of Science”.

Page 219, lines 7 and 8, strike “Director” and insert “Secretary”.

Page 229, line 7, strike “shall” and insert “may”.

Page 231, lines 13 through 17, amend subparagraph (F) to read as follows:

(F) in paragraph (3)(B), as so redesignated by subparagraph (A) of this paragraph, by striking “not less than 70, and not more than 120,” and inserting “not more than 120”; and

Page 232, line 1, strike “managers” and insert “directors”.

Page 238, line 24, insert “In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subsection (b), as well as any existing facilities a consortium will provide for Hub activities.” after “selection processes.”.

Page 245, lines 12 through 24, amend section 702 to read as follows:

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs that serve veterans with disabilities, shall receive special consideration in the review of any proposals by these institutions for funding under the research and education programs authorized in this Act to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies with respect to which appropriations are authorized under this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

Page 246, after line 8, insert the following new sections:

SEC. 704. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 705. LIMITATION.

No funds authorized under this Act shall be used for the employment of, or shall be received by, any individual who has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault.

SEC. 706. PROHIBITION ON LOBBYING.

Nothing in this Act shall be construed to supercede section 1913 of title 18, United States Code.

The CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

The amendment I am offering today makes a handful of technical and clarifying changes and a few substantive additions to the underlying bill. Most of the changes were the result of negotiations with our Republican colleagues following our full committee markup. We had agreed to work out several issues during the markup, so let me tell you about those agreements first.

Mr. NEUGEBAUER, who wished to ensure that we were leveraging as much private funds as we could in implementing the Noyce Teacher Scholarship Program, I agreed to split the match requirement into two categories. The result is that small institutions are also able to participate in this critical program to train STEM teachers, and the large institutions can more easily raise match funds and stretch Federal dollars even further.

There was agreement between Dr. LIPINSKI and Mr. INGLIS on the prize program in section 228. They found a good way to make sure that there would not be double-dipping into Federal funds in order to carry out the prize-winning research.

Mr. OLSON requested some changes in the ARPA-E language, and we went ahead, as agreed, and made those changes in this amendment.

Mrs. BIGGERT had some concerns about the Energy Innovation Hubs and wanted to make sure that the consortia utilized existing facilities when possible, so we made those constructive changes for her.

The amendment also included language to clarify the application of existing law which prohibits the use of funding appropriated to programs in the underlying bill for lobbying. I want to thank Dr. BROWN for his passion on this issue and for working with me to make this clarification.

Finally, this amendment also includes a clarifying change requested by Dr. BARTLETT for one of his own amendments in committee on STEM internships.

The amendment also adds one new section to the bill. This section requires the Director of NIST to submit a report to Congress examining the use of high-performance computation modeling and simulation by small- and medium-sized manufacturers. There is great potential in the use of high-performance computing resources by small- and medium-sized manufacturers, but their use is relatively limited. This study would look at the current utilization of these resources, examine the existing barriers to their use, and make recommendations for addressing these barriers. I want to thank Chairman WU, Chairman LIPINSKI, and Congressman GARAMENDI for their interest in this issue and for helping to draft this provision.

Now let me talk about a part of the manager’s amendment that I think will be a topic of discussion on both sides of the aisle today. Mr. HALL rightfully wanted to do something for veterans in this bill. He offered an amendment to

the committee that gave veterans preference when applying for any scholarships or fellowships authorized under this bill, and the amendment was happily accepted unanimously in the committee.

He also offered an amendment to help disabled veterans who want to pursue STEM studies. I know Mr. HALL was trying to do the right thing, but when we read the language, we didn't think the amendment actually helped disabled veterans in the way Mr. HALL intended. So we had some discussion in the committee, and in the end we decided to accept the amendment as is but continue to work together heading to the floor.

Staff traded several versions of language back and forth over the next 10 days. I talked to my staff, Mr. HALL talked with his staff, and, unfortunately, we could not come up with agreement on which language would be most helpful to our common goal of helping disabled veterans without causing other unintended consequences.

Our shared goal is to encourage and incentivize colleges and universities to provide STEM programs to disabled veterans and to recruit more disabled veterans into those programs by giving them special consideration in the review of proposals when they do. However, we have to be careful not to dilute the notion of special consideration so far that every institution in the country can qualify. If everyone is special, no one is special.

We also want to hold institutions accountable for serving their disabled veterans in their STEM programs. If we give them special consideration without holding them accountable, there is no incentive to actually make sure that veterans get the benefits of the Federal grant funds. Unfortunately, every sincere effort of pro-veteran language that we made was rejected.

Once again, where is the accountability? How do we know that a single disabled veteran student is benefiting from Federal STEM programs because the institution has this designation? We don't. That is the problem with the language.

It is unfortunate that we could not come to agreement. But in the end, we took Mr. HALL's latest offer with only small changes and included it in the manager's amendment. I still think we can do so much better for disabled veterans. Our language may be improved from Mr. HALL's language, but it still doesn't go nearly as far as I would like it to go in holding institutions accountable. I hope to continue to work with Mr. HALL to make sure that we have this accountability as we move forward.

Finally, we borrowed language from our colleagues on the other side of the aisle to ensure that no funds authorized under this bill can go to child molesters. This is a straightforward amendment incorporating a few suggestions from my colleagues and a

small number of other changes to make the bill better, and I urge its adoption.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Chair, I rise to claim the time in opposition to the amendment, although I do not intend to oppose it.

The CHAIR. Without objection, the gentleman is recognized for 20 minutes.

There was no objection.

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Mr. HALL of Texas. The manager's amendment reflects many things, from technical changes, recommendations from outside groups, agreements reached between our side of the aisle and theirs, and items that as the majority they're able to add unilaterally.

I want to thank the chairman for working with our Members on agreed-upon changes between the full committee markup and now, including the non-Federal matching requirements under the Noyce Scholarship Program, clarifying language on STEM Industry Internships program and the NSF Innovation Prize pilot program, reinstating the cap on the maximum number of ARPA-E employees, and instituting a prohibition on lobbying in the act. I only wish we could have continued the good, open dialogue this past week, particularly with our concerns.

I remain disappointed that the veterans with disabilities language that was agreed to unanimously by voice vote at the full committee markup has been greatly modified in the manager's amendment. I believe if the chairman is sincere he will continue to work with us on this language as we move forward because I do strongly feel that the language in this amendment greatly weakens the intent of the underlying bill.

I also want to express my concern regarding the amendment's modification of language to the new loan guarantee program created by the bill. Specifically, the amendment strikes language in the underlying bill directing the Attorney General to take appropriate actions to recover unpaid principal and interest on loans that go into default. Removal of that language is a major concern as it's key to protecting taxpayers from bad loans. Given the events of the last couple of years I'd hope that the government's beginning to learn something about bad loans. But I'm concerned that with the removal of this very standard provision that we could be setting the loan guarantee program up for guaranteed failure.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 2 minutes to the gentleman from California (Ms. WOOLSEY), a very active member of our committee and a champion for women and minorities.

Ms. WOOLSEY. Madam Chair, I rise today in strong support of H.R. 5116, the America COMPETES Reauthorization Act. I want to commend Chairman GORDON for his hard work in bringing

this bipartisan bill to the floor, and I want to thank Ranking Member HALL for his help and his cooperation.

I believe in science, and I believe that with enough support, our scientists can solve almost any problem put in front of them. But, Madam Chairwoman, at the end of the day, this bill is about jobs, investments in basic and applied research, green manufacturing jobs, high-risk, high-reward technologies that lay the groundwork for a clean energy economy and create thousands of new jobs in the United States of America, jobs that we will have a workforce prepared to fill because a central piece of this effort encourages more girls and unrepresented minorities to become involved in science, technology, engineering and math—STEM—education at the K through 12, undergraduate, and graduate levels. So then those students will be able to choose a STEM career.

I'm pleased that this bill includes STEM provisions because without bringing women and minorities into the workforce with high tech engineering and math education, we won't have the workforce we need to compete worldwide.

So, Madam Chairman, H.R. 5116 supports these innovations that will not only change the way we generate energy but will also leave a cleaner and healthier world for our children and for our grandchildren.

So I urge my colleagues to join me and support Chairman GORDON and Ranking Member HALL in green jobs by voting for H.R. 5116.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to a valued member of the Science and Technology Committee from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Chairman, I rise today in support of the America COMPETES Act. This bill will enhance our Nation's competitiveness, bolster research and science education, and support the needs of small businesses and America's 21st century manufacturing sector.

Small businesses have created nearly two out of three new jobs in our country in the past 15 years. Small businesses will fuel our economic growth, and small and midsize manufacturers are particularly important to creating substantial job growth. Manufacturing accounts for more than half of total U.S. exports and provides millions of people with well-paying jobs. A healthy manufacturing base is critical to the security of the American middle class and must be a key component of our economic security.

In order to maintain competitiveness in an increasingly competitive global marketplace, U.S. manufacturers must adapt to new technological developments and economic changes. The COMPETES Act does just that by providing critical support to the Manufacturing Extension Partnership, a highly

efficient initiative which has spurred 57,000 jobs and \$10.5 billion in sales per year. The MEP requires matching investments from states and participating small businesses, but as a long and deep recession continues to take its toll, states like Michigan and many businesses have found it increasingly difficult to continue to meet the cost-share requirements to participate in the program. The COMPETES Act reduces this burden to allow struggling businesses to remain active in the program. Reducing small business costs and continuing an effort proven to create jobs make good sense. I'm grateful to my friend, Congressman EHLERS, for working with me on this bipartisan idea, and to Chairman GORDON and Ranking Member HALL, and Chairman WU and Ranking Member SMITH on the subcommittee, who supported including MEP support in the final bill. In addition to supporting MEP, COMPETES supports broad manufacturing initiatives such as providing new loan guarantees to help manufacturers access capital and supporting manufacturing R&D. I hope my colleagues will join me in supporting this bipartisan legislation that strengthens American manufacturing and competitiveness.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise today to urge my colleagues to support H.R. 5116, the America COMPETES Act.

Chairman GORDON, I commend you and the members of the House Science and Technology Committee for bringing this legislation to the floor.

More than ever, our Nation must invest in the scientific and technological building blocks that bolster American competitiveness in the 21st Century global economy. The America COMPETES Reauthorization Act of 2010 achieves this and more by fostering innovation, supporting manufacturers and industry, preparing a STEM workforce, and creating jobs.

I want to recognize Representatives EDDIE BERNICE JOHNSON, BEN RAY LUJÁN, SILVESTRE REYES, co-chair of the Diversity and Innovation Caucus, and other members of the Tri-Caucus for their outstanding leadership in championing diversity issues in this bill. This bill represents a great leap forward in broadening the participation of underrepresented minorities and women in the STEM fields.

As subcommittee chairman for Higher Education, Lifelong Learning, and Competitiveness, I am pleased that America COMPETES will more fully integrate our Nation's minority-serving institutions into research partnerships and Federal programs.

This bill complements our work on the Student Aid and Fiscal Responsibility Act known as SAFRA and our efforts to improve science and math literacy in our Nation's public schools.

In 2007, I introduced the Partnerships for Access to Laboratory Science Act, known as PALS, because our high schools needed to be properly equipped to provide low-income and minority students with laboratory experiences that will foster their talents and lifelong interests in science.

There is no doubt that we must redouble our efforts to engage young people in the STEM fields early on in their academic careers. I applaud Chairman GORDON and the committee for including this program in H.R. 5116.

I urge my colleagues to support the America COMPETES Act. Our Nation's future competitiveness depends on it.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume. And I just want to briefly inform my friend, Mr. HALL, that I share his interest in finding a way to run down any defaults and collect those. We were told that our committee didn't have jurisdiction to require the Attorney General to do that. Let us continue to work together to find ways to accomplish what we both want to do.

I have no further requests for time, Mr. Chairman, and I yield back the balance of my time.

The Acting CHAIR (Mr. CAPUANO). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Mr. Chair, I have amendments en bloc at the desk.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. GORDON of Tennessee consisting of amendments numbered 3, 4, 5, 11, 18, 19, 20, 25, 27, 39 and 47 printed in part B of House Report 111-479:

AMENDMENT NO. 3 OFFERED BY MS. MATSUI OF CALIFORNIA

The text of the amendment is as follows:

Page 242, line 17, insert “, including through Smart Grid technologies” after “conventional technologies”.

AMENDMENT NO. 4 OFFERED BY MS. MATSUI OF CALIFORNIA

The text of the amendment is as follows:

Page 215, line 11, insert “, including the development of smart grid technologies” after “efficiency programs”.

AMENDMENT NO. 5 OFFERED BY MR. WU OF OREGON

The text of the amendment is as follows:

Page 229, line 9, after “other transactions.” insert “The Director shall make awards designed to overcome the long-term and high-risk barriers relating to the goals and means set forth in subsection (c) and facilitate submissions, where possible by small businesses and entrepreneurs, pursuant to announcements published not less frequently than annually, of funding opportunities for—

“(1) specific areas of technological innovation; and

“(2) broadly defined areas of science and technology,

to remain open for periods of one year.”.

AMENDMENT NO. 11 OFFERED BY MRS. MCCARTHY OF NEW YORK

The text of the amendment is as follows:

Page 172, line 10, strike “and” after the semicolon.

Page 172, line 14, strike the period and insert “; and”.

Page 172, after line 14, insert the following: (3) incorporate and build upon existing reports and studies on improving emergency communications.

AMENDMENT NO. 18 OFFERED BY MS. CLARKE OF NEW YORK

The text of the amendment is as follows:

Page 137, line 3, insert “including by women and underrepresented minority students,” after “and participation,”.

AMENDMENT NO. 19 OFFERED BY MR. COHEN OF TENNESSEE

The text of the amendment is as follows:

Page 149, after line 21, insert the following new section:

SEC. 305. SENSE OF CONGRESS.

It is the Sense of Congress that—

(1) in order to maintain our Nation's competitiveness, we must improve the quality of STEM education in the Nation;

(2) the incorporation of engineering education at the elementary and secondary levels has the potential to improve student learning and achievement in science and mathematics, and to increase the technological literacy of all students;

(3) formal and informal educational providers, including K-12 schools, should integrate engineering design principles into their curriculum; and

(4) exposing elementary and secondary students to engineering education can expand students' understanding of engineering and their awareness of career opportunities in these fields.

AMENDMENT NO. 20 OFFERED BY MR. CUELLAR OF TEXAS

The text of the amendment is as follows:

Page 101, after line 2,1 insert the following new subsection:

(e) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

Page 106, after line 12, insert the following new subsection:

(g) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

AMENDMENT NO. 25 OFFERED BY MR. HONDA OF CALIFORNIA

The text of the amendment is as follows:

Page 132, line 7, strike “and”.

Page 132, line 12, strike the period at the end and insert “; and”.

Page 132, after line 12, insert the following:
(5) facilitating improved coordination between federally supported STEM education programs and activities and State level activities, including the efforts of P-16 and P-20 councils in the States.

(d) DEFINITIONS.—For purposes of this section:

(1) P-16.—The term “P-16” refers to a system of education that encompasses preschool through undergraduate level education.

(2) P-20.—The term “P-20” refers to a system of education that encompasses preschool through graduate level education.

AMENDMENT NO. 27 OFFERED BY MS. JACKSON
LEE OF TEXAS

The text of the amendment is as follows:

Page 126, line 14, strike “and”.

Page 126, line 16, strike the period and insert the following: “, and an economic and ethnic breakdown of the participating students.”

AMENDMENT NO. 39 OFFERED BY MR. HARE OF
ILLINOIS

The text of the amendment is as follows:

Page 149, after line 21, insert the following new section:

SEC. 305. SENSE OF CONGRESS.

For science, technology, engineering, and mathematics (STEM) education programs or activities authorized under this Act or amendments made by this Act, it is the sense of Congress that when more than 1 applicant is competing for the same grant and the applications from each applicant are considered equal in merit by the grant-awarding authority, the grant-awarding authority shall give additional consideration to any of the following:

(1) An applicant that has not previously received funding.

(2) An applicant that is an institution of higher education in a rural area.

AMENDMENT NO. 47 OFFERED BY MS. MOORE OF
WISCONSIN

The text of the amendment is as follows:

Page 208, line 13, insert “and the Great Lakes” after “including oceans”.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, let me say that this is a block of amendments that have been well scrutinized by I think the minority and the majority. We feel they are all good amendments.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the en bloc amendments before us, although I do not intend to oppose them. All 11 of the amendments are noncontroversial, and we're generally supportive. I will not oppose these.

Mr. Chairman, I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chair, I thank you and Ranking Member HALL for bringing forward this important bill, the America COMPETES Act.

Thanks to the passage of several pieces of legislation, namely the Recovery Act, rising unemployment rates have been curbed and

economic indicators have shown signs of modest progress.

Make no mistake though we, as a nation, have a long ways to go to ensure both short and long-term economic stability and prosperity.

The America COMPETES Act represents an important step in that direction.

Research and innovation across various disciplines is an economic model our nation should live by.

I am proud to offer an amendment to the America COMPETES Act. My amendment ensures that a needs assessment required to improve the operation and reliability of emergency communication devices build upon conclusions and assessments of prior reports on the matter.

Events like the recent West Virginia mining tragedy and September 11th remind us all of the barriers we must cross technologically to ensure that emergency communication systems are able to perform in times of distress.

Most famously, the 9/11 Commission Report made explicit recommendations on the subject of emergency communication enhancement. As a New Yorker, not a day goes by that I do not think of the September 11th attacks and the barriers that stood in our way from potentially saving more lives.

It is imperative that research conducted on emergency communication build upon prior conclusions so that we, as a society, are better prepared to face the challenges any crisis may pose. Furthermore, avoiding duplicate work is pivotal to a properly directed innovation and research agenda.

My amendment is straightforward. It ensures that assessment in the field of emergency communications take into consideration apt reports and studies that have already been conducted on this matter of importance. With my amendment, we, as a nation, can ensure that mistakes and shortcomings in the field of emergency communication are learned from thus poisoning our nation's brave first-responders to save more lives.

I urge all my colleagues to support the amendment.

Mr. CUELLAR. Mr. Chair, I rise today to encourage my colleagues to support my amendment to the America COMPETES Reauthorization Act of 2010.

Many very qualified students can compete for the fellowships and scholarships if they are only made aware of them. This amendment would require the Director of the National Science Foundation to conduct outreach efforts to encourage increased applications from underrepresented groups. It is of utmost importance to give all individuals an opportunity at these programs.

The simple—but crucial—effort to make underrepresented groups a part of the process will serve to create a more diverse and representative workforce in the National Science Foundation's Postdoctoral Research Fellowships.

The challenges our nation faces in this century require that we have a highly-skilled and creative workforce trained in the areas of STEM (science, technology, engineering, and mathematics).

In the 21st century human advancement is closely linked in STEM fields. It is imperative that we create a broad pipeline of STEM professionals.

Our future leaders will need STEM skills to craft innovative policies on issues of national

concern such as transportation, sustainability, healthcare, and national security.

Hispanic enrollment in colleges and universities has more than doubled over the past two decades (2010 University of Southern California study).

Hispanic participation in STEM fields at the higher education level has grown but it has not kept pace with their growth within the general population (USC).

Among Hispanics who enroll in four-year institutions, 36% indicate an intention to major in a STEM field.

I thank the distinguished Chairman for his work on this legislation, and consideration of this amendment.

We can harness this 21st century technology to bring these areas out of 19th century conditions.

Mr. Chairman, I applaud you on this important legislation, and I urge all my colleagues to vote “yes” on this amendment.

Mr. HONDA. Mr. Chair, I rise today in support of H.R. 5116, the America COMPETES Reauthorization Act. I commend Chairman BART GORDON and the other members of the Science and Technology Committee, on which I am proud to have once served, for the hard work and thoughtful consideration that went into this bill.

The America COMPETES Act of 2007 significantly bolstered American innovation, the most fundamental hope for sustainable economic growth and competitiveness in the United States and a critical driver of the economy of my Silicon Valley district. It helped drive new research and its commercialization, and encouraged the creation of a more dynamic business environment, and made improvements to science, technology, engineering and math (STEM) education that are important for our nation's long term economic health.

It is critical that we provide sustained support for scientific research and STEM education, or our ability to compete in the global economy will be put in jeopardy. As the Joint Economic Committee noted in a new report released today, basic research plays a critical role in sparking innovation, and it is prudent for the federal government to increase its basic research expenditures now. That is why I am proud to support H.R. 5116, which authorizes those much needed investments.

I am pleased that the bill includes provisions to ensure coordination of federal science, technology, engineering and mathematics (STEM) education activities by establishing a committee under the National Science and Technology (NSTC) to handle these activities. Providing this coordinating mechanism for the federal STEM education programs, along with requiring the development of a STEM education strategic plan and the submission of an annual report about the budget and activities of federal STEM education programs, is critical to strengthening these programs and ensuring America remains innovative and competitive in the 21st century the global economy.

For too long we have failed to ensure that the various agencies involved in STEM education efforts are aware of what is being done and what has already been done elsewhere. According to the Academic Competitiveness Council's (ACC) report, in 2006 the U.S. sponsored 105 STEM education programs at more

than a dozen different Federal Agencies. These programs devoted approximately \$3.12 billion to STEM education activities spanning pre-kindergarten through postgraduate education and outreach. The report notes that many of these Agencies do not share information or work collaboratively on similar programs, demonstrating a need for better coordination.

The STEM education coordination provisions of this bill are similar to those included in my own bill, the Enhancing Science, Technology, Engineering, and Mathematics Education (E-STEM) Act, H.R. 2710. To incorporate another element from H.R. 2710 into America COMPETES, stimulating collaboration between the federal and state levels throughout the nation, I have offered an amendment to the bill to make it the responsibility of the STEM Education Advisory Committee created in the bill to facilitate improved coordination between federally supported STEM education programs and state level activities, including P-16 and P-20 councils.

I am also pleased that H.R. 5116 contains a reauthorization of the National Nanotechnology Initiative that incorporates numerous provisions that I originally proposed in my own legislation, the Nanotechnology Advancement and New Opportunities (NANO) Act, H.R. 820.

Both bills seek to focus America's nanotechnology research and development programs on areas of national need such as energy, health care, and the environment, and have provisions to help assist in the commercialization of nanotechnology. They also require the development of a nanotechnology research plan that will ensure the development and responsible stewardship of nanotechnology by addressing uncertainty about the health and safety risks it might pose and support the development of educational tools and partnerships to help prepare students to pursue post-secondary education in nanotechnology.

Again, I congratulate the Science and Technology Committee and Chairman GORDON for their work on this bill and thank them for incorporating so many of the provisions from my bills and for accepting my amendment. I urge my colleagues to support this important legislation to ensure that our nation leads the world in innovation and science and technology.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in support of my amendment to H.R. 5116—"To invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes."

My amendment amends Section 345(e) to mandate the Director of the National Science Foundation (NSF) to report on the economic and ethnic breakdown of "Science Technology Engineering and Mathematics" (STEM) industry internship program recipients.

At present, this section mandates the Director of the NSF to submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, and any evidence of the effect of those awards on workforce preparation and jobs placement for participating students. In my opinion, requirements for assessing participation of minority and economically-disadvantaged backgrounds are conspicuously absent from these reporting requirements, and my amendment seeks to rectify this problem.

Mr. Chair, facilitating links between institutes of higher education and the private sector is

vital to ensuring that education enables a skilled and relevant workforce. Such links are especially important for minorities and underserved communities because these students often lack alternative avenues to connect their education with an industry. Internship experience is an increasingly vital component of a successful résumé, yet the unpaid nature of internships is cost-prohibitive for many people.

As I mentioned, this amendment would mandate that the Director of the National Science Foundation (the organization that oversees this program) report on the economic and ethnic breakdown of this program's recipients. Such data will be useful to ensure that minorities and economically-disadvantaged students have adequate access to internships that bridge STEM academia and industry. Indeed, I trust that this data will provide evidence of robust participation by minority and economically-disadvantaged students; however, if such students are not participating, these reporting requirements will provide Congress with the data it needs to facilitate broad participation.

Thank you again. I urge my colleagues to support this simple but important resolution.

Mr. GORDON of Tennessee. Mr. Chair, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Tennessee (Mr. GORDON).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. HALL OF TEXAS

The Acting CHAIR. The Chair understands that amendment No. 2 will not be offered at this time.

It is now in order to consider amendment No. 6 printed in part B of House Report 111-479.

Mr. HALL of Texas. Mr. Chairman, acting as the designee of Mr. BROUN of Georgia, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HALL of Texas:

Strike title V.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Texas (Mr. HALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL of Texas. Mr. Chairman, I rise to support this amendment. The amendment would simply strike title V of this bill, which creates bigger government and calls for more spending in areas that go well beyond research and development and authorize potentially inappropriate and duplicative programs.

In particular, I want to note our strong objection to the Regional Innovation Clusters program that's created by title V. Not only does it fund activity well beyond R&D, the language is so loosely written that virtually any type of industry would be eligible to

undertake virtually any type of activity. The bill would reduce funding available for high priority R&D programs at the Department of Commerce, such as those at NIST.

I strongly support this amendment and urge its adoption.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Chair, Dr. BROUN is a valued member of our committee. We've had a number of discussions, as he's been very active. We agree on some things, we don't agree on others. We compromise on some. This is one that we were not able to come to agreement on.

All the provisions, and what this would do is this would strike the title V of this bill. All provisions in title V are aimed at looking at creating real world economic value for research and development.

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Title V includes three important provisions to help spur innovation in this country. It creates a loan guarantee program at the Department of Commerce for small- and medium-sized manufacturers seeking to innovate and retool for the 21st century to remain globally competitive. It establishes an Office of Innovation and Enterprise at the Department of Commerce to help turn the good ideas into new businesses, leading to economic growth and job creation. And, finally, it establishes a Regional Innovation Program at the Department of Commerce to empower local communities to leverage regional strengths to promote innovation.

This is a good bill, but this amendment would take away from the bill.

I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I would like to support this amendment. The amendment would simply strike title V of this bill, which creates bigger government and calls for more spending.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HALL of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111-479.

Mr. GORDON of Tennessee. Mr. Chair, I rise as the designee for Mr. BOSWELL and Mr. MICHAUD and have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GORDON of Tennessee:

Page 133, line 25, strike “and”.

Page 134, after line 1, insert the following new clause:

“(vii) biomass technology systems; and”.

Page 135, line 23, strike “and”.

Page 135, after line 25, insert the following new clause:

“(vii) biomass technology systems; and”.

The ACTING CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment once again has been before the public, well scrutinized. It would ensure that the biomass technology systems and related courses are included in the list of fields that would be encompassed by the energy systems science and engineering education programs at the Department of Energy.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to this amendment, although I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have no objection to the amendment. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chair, I yield such time as he may consume to the gentleman from Iowa (Mr. BOSWELL), the author of this very good amendment.

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Chairman, I hope I convinced the ranking member. I appreciate your hard work. You have been doing some excellent work for all of us, for our country, for our future.

The COMPETES reauthorization provides for important investments in STEM education that I believe will move our students and Nation forward. I have always held that education and innovation are two of the best investments we can make, for they guarantee a turnaround and are proven to enhance the quality of life for all Americans. This legislation will bring greater innovation and stability to our institutions of education at all levels and to our Nation's economic vitality.

This amendment, which I am proud to offer with Mr. MICHAUD, makes a very simple and very important modification to the COMPETES reauthorization. This amendment ensures that when the Department of Energy assists in the expansion of energy-related courses or degree programs that bio-

mass technology systems education can be utilized. It will guarantee that the grants, scholarships, and training programs offered under this program can be used by students and schools that are moving us forward in the study and business of biomass technology systems.

Biomass production is an important component of our economy and energy security that we must foster. We all know very well the importance of biofuels and its benefits to our environment and our national security by ending our dependence on foreign oil. My constituents in Iowa have experienced the successes of ethanol biodiesel. However, corn-based ethanol is just one piece of the larger puzzle. We're seeing great advances in alternative fuels and increased production of native plants that can be reaped for maximum energy use.

My home State of Iowa continues to play a critical role in the development of the biomass industry in the United States. As leaders in agriculture, we have access to the resources and expertise to produce advanced biofuels, biopower, and bioproducts. Many young minds at various schools in Iowa are moving forward to study the production of biomass, how to maximize the use of alternative fuels and produce plants that maximize the best return possible when harnessed for their energy.

Supporting this amendment will ensure that this technology can expand across our great Nation, and it will affirm for our researchers, students, teachers, and scientists that they can move forward with this innovation and bring us closer to a Nation that is reliant on its own resources and not on OPEC. So I encourage my colleagues to support this amendment and vote on behalf of students, innovation, and energy dependence.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, it is a good amendment, and I suggest its approval. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111-479.

Mr. GORDON of Tennessee. Mr. Chair, I rise as designee for Mr. DAVIS of Illinois, and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GORDON of Tennessee:

Page 69, line 18, insert “, disaggregated and cross-tabulated by race, ethnicity, and gender,” after “subparagraph (B)”.

Page 80, line 19, insert “, disaggregated and cross-tabulated by race, ethnicity, and gender” after “United States”.

Page 86, after line 5, insert the following new subsection:

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Director shall provide a report to Congress on institutional research partnerships identified in subsection (a) funded in the previous fiscal year.

Page 124, line 21, strike “undergraduate students” and insert “students enrolled in certificate, associate, or baccalaureate degree programs”.

Page 128, line 21, strike “; and” and insert a semicolon.

Page 128, after line 25, insert the following new subparagraph:

(E) describe the approaches that will be taken by each agency to increase the participation of underrepresented minority groups in STEM studies and careers both for programs specifically designed to broaden participation and for all programs in general, including by providing for programs and activities that increase participation by individuals in these groups at all institutions, and by increasing the engagement of Historically Black Colleges and Universities and minority-serving institutions in the STEM education and outreach activities supported by the agencies; and

Page 149, after line 21, insert the following new section:

SEC. 305. NATIONAL ACADEMY OF SCIENCES REPORT ON STRENGTHENING THE CAPACITY OF 2-YEAR INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE STEM OPPORTUNITIES.

Not later than 6 months after the date of enactment of this Act, the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to carry out a study evaluating the role of 2-year institutions of higher education as STEM educators, including in the preparation of students for direct entry into the STEM workforce and in preparation of students for transition into 4-year STEM degree programs, as well as the role of the Federal Government in helping 2-year institutions of higher education build their capacity to be effective STEM educators. At a minimum, the report shall include—

(1) an evaluation of the current capacity of 2-year institutions of higher education to be effective STEM educators, including in the preparation of students for direct entry into the STEM workforce and for transition into 4-year STEM degree programs;

(2) a description of existing challenges to expanding opportunities for 2-year institutions of higher education to provide and enhance STEM learning and provide STEM degrees that prepare students well for direct entry into the STEM workforce or for transition into 4-year degree programs;

(3) identification and description of Federal programs that have successfully strengthened the capacity of 2-year institutions of higher education to provide and enhance STEM opportunities;

(4) a recommendation or recommendations regarding how Federal agencies should set priorities for supporting STEM education at 2-year institutions of higher education;

(5) a recommendation or recommendations regarding ways Federal agencies can provide increased opportunities for 2-year institutions of higher education to participate across their portfolios of STEM education and research programs, including—

(A) ways to engage 2-year institution of higher education faculty and students with research experiences;

(B) strategies for improving the curriculum and teaching of developmental mathematics given that many 2-year institutions of higher education provide remediation in mathematics and other STEM coursework; and

(C) enhancing the basic scientific laboratory infrastructure; and

(6) a recommendation or recommendations regarding the need for and appropriateness of new Federal programs in support of STEM education at 2-year institutions of higher education.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. DANNY DAVIS' amendment will ensure that the students enrolled in 2-year, certificate, associate, or baccalaureate programs are eligible for STEM programs. It would also call for a report of agency approaches to increase minority participation in STEM careers.

Once again, Mr. Chairman, this has been well reviewed. This is a good amendment, and I would recommend it for passage.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. I am not sure that we really and truly need to fund yet another study, this one to look at 2-year colleges. But I have a bigger concern with the difficulty of requiring NSF to organize data that it's merely reported. The universities collect this data, and it's my understanding that there would be various issues with even having them do what this amendment proposes.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as he may consume to the author of this amendment, Mr. DAVIS of Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, first of all I want to thank Chairman GORDON and Ranking Member HALL of the Science and Technology Committee for their work to develop and promote policies to strengthen our Nation's competitiveness in STEM. In particular, I applaud the chairman for his leadership in broadening the participation of individuals and institutions that are underrepresented in STEM. You and your staff actively engaged with me and other members of the Congressional Black Caucus to listen to and address our concerns, and we appreciate that. I also want to recognize and thank Dahlia Sokolov on your staff for sharing her expertise and for being so responsive.

H.R. 5116 includes multiple provisions that respond to concerns raised by multiple reports, STEM experts, and Members of the Congress that stronger efforts to broaden participation are critical to meeting the growing demand for U.S. workers with STEM skills and to improve American com-

petitiveness globally. The amendment that I offer, along with my colleagues Congressman GRIJALVA, Congressman HONDA, and Congressman KILDEE, builds upon the existing provisions of the bill to further increase the access of minority students to, and the capacity of, minority institutions to provide STEM opportunities.

I am pleased that this amendment is supported by multiple higher education organizations, including the American Association of Community Colleges, the Hispanic Association of Colleges and Universities, the Institute for Higher Education Policy, the National Association for Equal Opportunity in Higher Education, the Presidents and Chancellors of the 1890 Universities, the Thurgood Marshall College Fund, and the United Negro College Fund.

Again, I want to thank Chairman GORDON and Ranking Member HALL for their cooperative responsiveness and the tremendous work that they have done on behalf of all Americans to make us the most competitive Nation that we can possibly be.

I want to thank Chairman GORDON and Ranking Member HALL of the Science and Technology Committee for their work to develop and promote policies to strengthen our nation's competitiveness in science, technology, engineering and mathematics. In particular, I applaud the Chairman for his leadership in broadening the participation of individuals and institutions that are underrepresented in STEM. You and your staff actively engaged with me and other Members of the Congressional Black Caucus to listen to and address our concerns. I want to recognize and thank Dahlia Sokolov on your staff for sharing her expertise and for being so responsive.

According to the Census Bureau, 39 percent of the population under the age of 18 is a racial or ethnic minority. Yet, in 2003, only 4.4 percent of U.S. science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Further, women represent only a little more than one quarter of our science and technology workforce. Although Historically Black Colleges and Universities represent only 3 percent of our nation's colleges, they graduate 40 percent of African Americans with degrees in STEM areas and 60 percent of African Americans with degrees in engineering; yet, they receive only about 1 percent of all federal R&D support. Many experts maintain that the ability of the US to produce enough scientists will fall far short unless we take strong action to develop the potential of women and minorities. Thus, broadening participation efforts are critical to meeting the growing demand for U.S. workers with STEM skills and to improving American competitiveness globally.

H.R. 5116 includes multiple provisions that respond to concerns raised by multiple reports, STEM experts, and Members of the Congress about the need to broaden participation of individuals and institutions that are underrepresented in STEM fields. The amendment that I offer along with my colleagues Congressman GRIJALVA, Congressman HONDA, and Congressman KILDEE builds upon the existing provisions in the bill to further increase the access of minority students to and the capacity of minority institutions to provide STEM opportunities.

I am pleased that this amendment is supported by multiple higher education organizations, including: The American Association of Community Colleges; The Hispanic Association of Colleges and Universities; The Institute for Higher Education Policy; The National Association for Equal Opportunity in Higher Education; The Presidents and Chancellors of the 1890 Universities; The Thurgood Marshall College Fund; and The United Negro College Fund.

Our amendment does five things.

First, it clarifies that the new STEM Education Strategic Plan will include a specific focus on broadening participation of individuals and institutions that are underrepresented in STEM. H.R. 5116 recognizes the need to coordinate STEM education efforts within the Executive Branch. Consistent with experts in STEM education, our amendment simply clarifies that the strategic plan for coordinating STEM education across the Executive Branch should have each agency identify steps it takes to broaden the participation.

Second, it includes a National Academy of Sciences report on strengthening the capacity of two-year institutions to provide STEM opportunities. The majority of Latino and African American students attend two-year colleges. Moreover, two-year institutions play an integral role in training STEM professionals through terminal and certification degrees as well as in preparing students to transfer to four-year institutions to complete STEM baccalaureate degrees. Thus, two-year institutions are a critical component of the STEM pipeline.

Although a few reports have examined the role of these institutions in a particular STEM discipline, no study has looked at comprehensively at two-year institutions with regard to STEM. A comprehensive analysis of how Federal agencies can provide increased opportunities for two-year institutions to participate across the portfolios of STEM education and research will do much to improve success of low income and minority students in STEM fields.

Third, our amendment strengthens the data collections related to STEM faculty and Federal research grants by ensuring the data are examined by race/ethnicity and gender. These data are important to assessing progress in broadening participation. Consistent with NSF data collections on students in STEM fields, the amendment simply ensures that these important data collections will be examined by race, ethnicity, and gender.

Fourth, the amendment strengthens the institutional research partnerships provision by including a reporting requirement on partnership grants. In order to ensure that partnerships among institutions are collaborative and equitable, H.R. 5116 requires NSF to award funds directly to institutional partners involved in a research collaboration funded at a level greater than \$2 million. The amendment simply includes a report requirement so that we have a fuller understanding of the number and nature of such partnerships.

Finally, our amendment clarifies that undergraduates in two-year programs are eligible for the Undergraduates In Standard Research Grants. The amendment simply clarifies that students in certificate, associate, or baccalaureate degree programs qualify for research grants.

As I close, I thank the Chairman and Ranking Member again for their leadership. I

strongly encourage my colleagues to vote in favor of this amendment that will strengthen the bill's provisions to broaden participation.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111-479.

Mr. MARKEY of Massachusetts. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MARKEY of Massachusetts:

Page 195, after line 11, insert the following new section:

SEC. 504. CLEAN ENERGY CONSORTIUM.

(a) PURPOSE.—The Secretary shall carry out a program to establish a Clean Energy Consortium to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean energy technology and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support collaborative, cross-disciplinary research and development in areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technologies.

(b) DEFINITIONS.—For purposes of this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term “clean energy technology” means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications; or

(F) improves energy efficiency for transportation, including electric vehicles.

(2) CLUSTER.—The term “cluster” means a network of entities directly involved in the research, development, finance, and commercial application of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(3) CONSORTIUM.—The term “Consortium” means a Clean Energy Consortium established in accordance with this section.

(4) PROJECT.—The term “project” means an activity with respect to which a Consortium provides support under subsection (e).

(5) QUALIFYING ENTITY.—The term “qualifying entity” means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or technology transfer expertise in clean energy technology development.

(6) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(7) TECHNOLOGY DEVELOPMENT FOCUS.—The term “technology development focus” means the unique clean energy technology or technologies in which a Consortium specializes.

(8) TRANSLATIONAL RESEARCH.—The term “translational research” means coordination of basic or applied research with technical applications to enable promising discoveries or inventions to achieve commercial application of energy technology.

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) select a recipient of a grant for the establishment and operation of a Consortium through a competitive selection process;

(3) coordinate the innovation activities of the Consortium with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, Energy Innovation Hubs, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive support under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of \$500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) a conflicts of interest policy consistent with subsection (e)(1)(B);

(D) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(4); and

(E) that it has an External Advisory Committee consistent with subsection (e)(3);

(3) it receives funding from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) CLEAN ENERGY CONSORTIUM.—

(1) ROLE.—The Consortium shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Consortium's

project criteria, including national laboratories. The Consortium shall—

(A) develop and make available to the public through the Department of Energy's Web site proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and designees for Consortium activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest;

(C) establish policies—

(i) to prevent resources provided to the Consortium from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the Consortium;

(ii) to facilitate the participation of private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Consortium; and

(iii) to facilitate the participation of parties with a demonstrated history of commercial application of clean energy technologies in the development of Consortium projects;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS.—The Consortium, with prior approval of the Secretary, shall distribute awards under this subsection to support clean energy technology projects conducting translational research, provided that at least 50 percent of such support shall be provided to projects related to the Consortium's clean energy technology development focus. Upon approval by the Secretary, all remaining funds shall be available to support any clean energy technology projects conducting translational research.

(3) EXTERNAL ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Consortium shall establish an External Advisory Committee, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise. The External Advisory Committee shall review the Consortium's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Consortium. External Advisory Committee members other than those representing Consortium members shall serve for no more than 3 years. All External Advisory Committee members shall comply with the Consortium's conflict of interest policies and procedures.

(B) MEMBERS.—The External Advisory Committee shall consist of—

(i) 5 members selected by the Consortium's research universities;

(ii) 2 members selected by the Consortium's other qualifying entities;

(iii) 2 members selected at large by other External Advisory Committee members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(4) CONFLICT OF INTEREST.—The Secretary may disqualify an application or revoke funds distributed to the Consortium if the Secretary discovers a failure to comply with conflict of interest procedures established under paragraph (1)(B).

(f) GRANT.—

(1) IN GENERAL.—The Secretary shall make a grant under this section in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353). The Secretary shall

award the grant, on a competitive basis, to 1 regional Consortium, for a term of 3 years.

(2) AMOUNT.—A grant under this subsection shall be in an amount not greater than \$10,000,000 per fiscal year over the 3 years of the term of the grant.

(3) USE.—The grant distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that the Consortium may use not more than 10 percent of the amount of such grant for its administrative expenses related to making such awards. The grant made under this section shall not be used for construction of new buildings or facilities, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(4) AUDIT.—The Consortium shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which a grant distributed to the Consortium under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Consortium to ensure that the grant distributed to the Consortium under this subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(5) REVOCATION OF AWARDS.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that the Consortium has used the award in a manner not consistent with the requirements of this section.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. Mr. Chairman, the amendment I am offering today, along with the gentlelady from California (Mrs. CAPPS), would add a new R&D program specifically focused on increasing our Nation's capacity to turn new innovations into new jobs. A clean energy consortium would be regionally based, selected by the Secretary of Energy through a competitive process, and include research universities, national labs, industry, and other State and nongovernmental organizations with expertise in clean energy development.

Moving to commercialize innovations in the clean energy sector is critical to our ability to compete for jobs with China and India. The faster we bring clean energy technologies to market, the faster we end our addiction to foreign oil from the Middle East. Our amendment will connect professors with producers, inventors with investors to move energy innovations out of the lab and into the factory.

Unlike research in biotech and defense, technology developed through

energy R&D must break into a deeply entrenched market at a competitive cost in order to be successful. We need policies that can help overcome the valley of death where great ideas frequently stall before they have reached the critical proof-of-concept stage. That's what we do in this amendment.

We have worked with business, universities, and venture capital groups in developing this legislation. It has received endorsements from TechNet. The National Venture Capital Association has endorsed this amendment. The Clean Economy Networks, the companies across this country that want to focus on this energy sector, create millions of new jobs want this as part of the plan that we put together to make sure that it's not just research; it's research that turns into jobs rapidly in our country.

□ 1630

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. This amendment creates a new program, as Mr. MARKEY has said, to pursue commercialization of clean energy technologies. This is not necessarily the problem.

We all agree that clean energy technologies are worth pursuing. The problem, however, is that the clean energy technology program created by this amendment is duplicative of another new program already in the bill, the Energy Innovation Hubs program, and I am opposed to the Hubs program because it is largely duplicative of existing DOE and R&D activities. So the amendment duplicates a program that's already duplicative itself.

Further, these programs are expensive and expand the bureaucracy within the Department of Energy, which is already too large. We need to be consolidating and streamlining DOE's many R&D programs, not creating new ones on top of new ones.

I strongly oppose this amendment, and I reserve the balance of my time.

Mr. MARKEY of Massachusetts. May I inquire of the Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Massachusetts has 3 minutes remaining. The gentleman from Texas has 4 minutes remaining.

Mr. MARKEY of Massachusetts. At this point, I will yield to myself for 30 additional seconds.

This commercialization focus program complements existing R&D initiatives. Strong, long-term support for basic and applied research is critical to developing the scientific breakthroughs needed to meet our energy challenges, but additional focus on commercialization will help ensure that existing innovations and those further down the pipeline find a pathway to the market. It creates the link between R&D and economic development and job creation. Without it, I do

not believe America can win in this sector.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. First of all, thank you, Chairman GORDON, for your great work on this bill. I want to thank my colleague, Mr. MARKEY, for your leadership on clean energy issues.

Mr. Chairman, I rise today in strong support of the Markey-Capps amendment, which is included in our legislation.

The Markey-Capps amendment would complement the clean energy advancement goals of the America COMPETES Act by creating a regional clean energy consortia program. This program will bring together regional networks of research universities, of national labs, of businesses and investors in the clean energy sector to accelerate the commercialization of new clean energy technologies.

They will also stimulate regional economic development and create jobs in places like the central coast of California, which I represent. The Green Coast Innovation Zone, GCIZ, in my district is built on this model and is eager to expand further into the clean energy sector. This provision will support their efforts to create high-quality green jobs that pay well and cannot be outsourced.

So I urge my colleagues to vote "yes" on the Markey-Capps amendment.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Could the Chair please inform us of how much time is left.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes. The gentleman from Texas has 4 minutes.

Mr. MARKEY of Massachusetts. Would it be possible for me to ask for the gentleman from Texas to draw down his time a little bit more before we come to the end of the speakers on the Democratic side?

Mr. HALL of Texas. Mr. Chairman, the clean energy consortia language, "support collaborative cross-disciplinary research and development areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technology," that's clearly duplicative. I've stated that in my opening remarks.

"Support multidisciplinary collaborative research development demonstration and commercial application of advanced energy technologies in areas not being served by the private sector."

I think this is probably the most operative language for the two programs, and I do detect a difference.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Chairman, I yield 30 seconds to the

chairman of the Science Committee, Mr. GORDON.

Mr. GORDON of Tennessee. Mr. Chairman, as I said earlier in the day, I don't want to trade Americans' dependency on foreign oil for Americans' dependency on foreign technology.

For us to get energy independence, there's going to be a variety of ways to go about it. Just like there's a variety of ways to skin a cat, this is one more way to get energy independence, and I support Mr. MARKEY's amendment.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I yield 30 seconds to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the gentleman for yielding.

Mr. Chairman, I am in wholehearted support of this amendment and this bill.

I just wanted to speak briefly on the previous amendment that passed en bloc, which included a provision for which I am responsible. It included the Great Lakes. The Great Lakes are not just mere lakes; they are inland seas, and they contain the greatest source of freshwater on Earth. And despite their size, they are extremely vulnerable to stresses from environmental pollution, ecological alterations, and climate changes. In addition to that, they are a great source of economic development.

There are many unanswered research questions regarding the lakes' ecological stability. But there is already significant evidence that the climate of the Great Lakes region is changing: for example, water temperatures have been higher, and the duration of winter ice cover has declined.

These changes have a serious impact on the Great Lakes ecosystem—and the goods and services linked to the Lakes. To name just a few of the myriad potential effects:

Water temperatures are already rising, and almost all of the climate change scenarios predict further changes in temperature and precipitation. Lakes are very sensitive to climate in terms of the amount of precipitation and evaporation.

Precipitation changes are causing variation in water levels; most predictions are for lower levels but some predict higher levels.

Precipitation is predicted to increase but is predicted to come in fewer and more intense effects—in effect, a higher number of more intense rainstorms—which has a big impact on runoff from the lake, soil erosion, non-point pollution, and more.

Climate change is already affecting the population and distribution of fish and many other organisms; water level and temperature changes may also accelerate the accumulation of mercury and other contaminants.

When lake levels change, costs of shipping in the Great lakes increase, as do the costs of dredging harbors and channels, and adjusting docks and other infrastructure.

Climate change disrupts Great Lakes regional agricultural productivity (largely because of changes in the distribution of rain).

There is a dire need for comprehensive research on the impact of the environment on the Great Lakes region—now, not later. Waiting to begin managing the potential effects of

climate change on the lakes only increases the ultimate expense, and the potential for irreversible damages.

If we act fast, we can take action to prevent some of the most damaging effects of climate change, and we can provide immediate relief in the form of cost savings, cleaner air and water, improved recreational opportunities, safeguarded environmental habitat, and improved quality of life for communities in the Great Lakes region.

We also must safeguard Lake Michigan—and in fact, all the Great Lakes—because of the Lakes' vital role these play in the region's economy. Lake Michigan is the lifeblood of the Milwaukee regional economy.

We have to use every tool in our toolbelt to ensure Lake Michigan's ecological stability—not only for the sake of environmental protection, but for the sake of our economic security—from tourism to manufacturing to fishing to shipping.

Southeastern Wisconsin is home to over more than 120 water-related businesses and five of the largest 11 water technology companies have significant presence in the area. UWM is home to the Great Lakes Water Institute, which is the largest research center of its kind on the Great Lakes. The Water Institute represents the only major aquatic research institution located on Lake Michigan and the largest U.S. institution of its kind in the Great Lakes region.

According to the EPA, today, there are approximately 37 million people living in the Great Lakes basin and more than 26 million of these people rely on the Great Lakes for their drinking water.

Shipping has been responsible for the development of the entire Great Lakes Region. Many manufacturing industries are attracted to the Great Lakes area because of the advantages of being near a water source which provides inexpensive electricity and convenient transportation routes.

The Journal Sentinel reports that there are 44,000 jobs directly tied to Great Lakes shipping, and nearly 200,000 jobs in the mining and steel industries that depend on the lakes' cargo.

Mr. HALL of Texas. Mr. Chairman, I would inquire of Mr. MARKEY if he has other speakers.

Mr. MARKEY of Massachusetts. I am now the last speaker, and I am going to reserve the balance of my time pending the completion.

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. MARKEY of Massachusetts. So how much time is remaining?

The Acting CHAIR. The gentleman from Texas has 3 minutes, and the gentleman from Massachusetts has 45 seconds.

Mr. MARKEY of Massachusetts. I yield myself the balance of my time.

Again, it is just to make this point that we must find a way in our country to have a plan. In China, on Monday they decide to do something, on Friday it starts to happen.

We need a plan. We need a plan to put together our inventors and our investors. We need a plan that puts together our professors with our producers. We need to find a way in which we telescope the timeframe it takes to create

jobs in solar and wind and all of these new industries that have the potential of creating 2 million new jobs in our country or millions of jobs in China. That's our choice.

And if we don't take this opportunity, then young Americans are going to wonder in a few more years why we didn't put together a plan. That's what this amendment is. It's a pilot project, but it is one that will then have to be modeled in area after area around this country to ensure that we move fast to capture this renewable energy revolution that is very rapidly going to overtake this planet in the same way that the dot-com revolution did so in the 1990s.

Vote "yes" on the Markey-Capps amendment.

Mr. HALL of Texas. Mr. Chairman, I continue to oppose the amendment. It is duplicative of several other programs, and I urge my colleagues to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 111-479.

Mr. GEORGE MILLER of California. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. GEORGE MILLER of California:

Page 246, after line 8, add the following new section:

SEC. 704. INFORMATION REQUESTS BY LABOR ORGANIZATIONS.

(a) ELIGIBILITY FOR FUNDS.—Notwithstanding any other provision of this Act, a public institution of higher education that employs employees who are represented by a labor organization and perform work on an activity or program supported by this Act or an amendment made by this Act shall be eligible to receive funding for facilities and administrative costs for any activity or program supported by this Act or the amendments made by this Act only if the institution maintains a policy that meets the requirements set forth in subsection (b).

(b) REQUIREMENTS.—A policy described under subsection (a) shall require that the institution provide, within 15 days of receipt of a request by a labor organization representing the employees of the institution described in subsection (a), any information which the labor organization has a lawful right to obtain under applicable labor laws. Such a policy shall provide that, on a case-by-case basis, such 15 days may be extended to a longer time period by mutual agreement of the labor organization and the institution.

(c) FAILURE TO COMPLY WITH POLICY.—

(1) COMPLAINT OF NONCOMPLIANCE.—In the case of an institution of higher education that does not provide information requested by a labor organization in compliance with the requirements of a policy described in subsections (a) and (b), the labor organization may file a complaint of noncompliance with the head of the agency overseeing any activity or program supported by this Act or the amendments made by this Act for which the institution is receiving funds.

(2) NOTIFICATION TO INSTITUTION.—Upon receiving such a complaint, the head of such agency shall notify the institution of the complaint and provide the institution an additional 30 days to provide the requested information to the labor organization or otherwise explain why the complaint of non-compliance is not valid.

(3) AGENCY ACTION.—If the information has not been provided by the institution at the conclusion of such 30 day period and the head of such agency determines the complaint to be valid, the head of such agency shall suspend payment of any funds for facilities and administrative costs that would otherwise be available to such institution for all activities and programs supported by this Act and the amendments made by this Act until such time as the requested information has been provided by the institution.

(d) DEFINITIONS.—For purposes of this section—

(1) the term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), except that such term does not include a private institution of higher education; and

(2) the term “facilities and administrative costs” means facilities and administrative (F&A) costs as defined in the Office of Management and Budget Revised Circular A-21 (Cost Principles for Educational Institutions, published in the Federal Register on May 10, 2004).

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2011.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself 3 minutes.

Mr. Chairman, in much of the history of the United States, and certainly in the most recent history of the United States, we have made a decision to build much of our economy on the backs of the best and the brightest that this country has to offer; to go to the research universities and to other universities and develop grants from Federal agencies to the National Science Foundation, from NIH and from the other agencies to do the research necessary to drive basic discovery, and to drive from that discovery innovation, and from that innovation economic growth. And it's served this economy and it's served this Nation very, very well over the last 50 years.

But we have a problem here. We have a situation where the best and the brightest people, among the most talented, a select group of people, the postdoctoral individuals, people who've had their master's degrees and their

Ph.D.'s in sciences and engineering and mathematics and a whole range of fields participate in that research. They, in many instances, write the grants for that research. The grants are awarded to the universities based upon their work. Those grants provide for escalators so that the principal investigator and the postdocs that he hires, those very bright graduates of our university system to run the labs, to do the research, to assist that individual, that they be provided for.

And yet we find out that in many instances, universities are withholding information that these students have an absolute right under State law to have. And that right is to understand how they are paid and the availability of money in these grants for their increases.

In most of these grants, the Federal institutions and others require that escalators be built into. The universities require when the postdocs and the principal investigators write these grants to submit to the Federal Government and to the agencies that they include an escalator.

And what are the universities doing? In the case of University of California, Berkeley, they withhold. They then take 53 percent in overhead charges. So in a \$1 million grant, they get an additional over \$500,000 to administer that grant. They take that share of the escalators for themselves, but they don't pass it on to these brilliant young people who are also now—because they've postponed, in many instances, having a family and buying a home, they now become among the lowest-paid people in the region.

All this amendment says is, if they are entitled to the information under the law, that the university should have to provide it. The University of California has been telling these postdocs and telling the Congress of the United States for over a year that they would provide this information, and they have failed to do that.

So what we're saying is that these students are entitled to the law, to that information. It creates no new right. It creates nothing new in collective bargaining. This is not the purpose. The purpose is to—the information that they are entitled to under the law they have.

This is really about the very contracts that the university is administering. And yet a year later after the request by both Members of Congress and the postdoc graduates, they're told that the information is not available. If the information isn't available, it raises questions about the overhead, the \$850 million that the University of California took for the purposes of administering these grants.

I reserve the balance of my time.

□ 1645

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. Under the Miller amendment, any public university receiving funds in this bill would be required to maintain an “information policy,” wherein they would have to produce any documents or information that a union requests within 15 days or face the threat of losing Federal funding.

Additionally, it would place a bureaucrat at a grant-awarding agency, say the National Science Foundation, in charge of determining whether a union was entitled under State or local labor law to the information it requested, and whether the university should lose Federal dollars because it has not given to the union every bit of information which it asked for.

Should NSF be determining whether a university is fulfilling its obligation under State and local labor law? I ask that question.

Also, although the amendment applies to all schools receiving grants under this bill, the bottom line, Mr. Chairman, is that this is a political issue specific to one university, the University of California. It is my understanding that the University of California has been negotiating a contract with the United Auto Workers for some time. These negotiations are completely a function of California State law and have nothing to do with the Federal Government. Rather than attempting to exercise any right or remedy under State law, the UAW has chosen to involve my friends on the other side in threatening the university with Federal dollars to buckle to the union's demands.

This is all I have to say about this. I find this amendment troubling, and urge its defeat.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, this has really nothing to do with labor law. The question is whether the postdoctorate employees of the university who are involved in running these very sophisticated labs and experiments and research, whether or not they get the information that they are entitled to under the law. It only applies in those areas where there is an agreement. Many universities don't have this, some do.

But the point of the matter is that if these young people are not able to provide for themselves, we are going to take talented people and they are going to leave the scientific field. They were given these grants because they are among the best grants in the country. They were peer-reviewed. A decision was made that this is the science that is worth pursuing in the interest of this country in a whole range of fields, whether it is in space or energy or food, whatever it is. That is the point. Yet these people are among the lowest-paid people in the country, with the most education, with the most talent.

All we are saying is give them the information so they can see if there is any restrictions on passing through a

portion of, or whatever they can agree to, of the escalators that are built into these agreements. The university is taking its cut off the top without asking anybody, but somehow the postdocs aren't even entitled to that information or the graduate students aren't entitled to that information under the current policy.

It is simply not fair, and it is going to be very discouraging to extremely talented people that we have placed a bet on. This legislation places a bet on the intellectual talent and the curiosity and the skills of these individuals to drive the next generation of innovation, to drive the next generation of economic growth, to drive the next generation of discovery. That is what this is about. That is what it should be about. But we can't do that by mistreating the very talent pool that is so critical to our success.

This is just a simple request for information. It does not provide any additional rights to anyone that don't exist today. And I think it is time that we recognize the needs of these individuals, of their families, if we are going to retain them in the scientific endeavor of which they have spent most of their life pursuing, and they are obviously very accomplished at this and they are a vital, vital asset to this Nation.

I urge my colleagues to support this amendment, and I want to thank the chairman of the committee for his support of this legislation.

The Acting CHAIR. The gentleman's time has expired.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 111-479.

Mr. REYES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. REYES:

Page 128, line 21, strike “; and” and insert a semicolon.

Page 128, after line 25, insert the following new subparagraph:

(E) describe the approaches that will be taken by each participating agency to conduct outreach designed to promote widespread public understanding of career opportunities in the STEM fields specific to the workforce needs of each agency, including outreach to women, Latinos, African-American,

Native Americans, and other students from groups underrepresented in STEM;

Page 129, line 6, strike the period and insert “; and”.

Page 129, after line 6, insert the following new paragraph:

(4) establish and maintain a publically accessible online database of all federally sponsored STEM education programs and activities at all levels and for all audiences, including students, teachers, and the general public.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, I rise today to urge my colleagues to support the America COMPETES Reauthorization Act of 2010 and, with it, the Reyes-Connolly amendment.

In fact, I want to thank my colleague, the gentleman from Virginia (Mr. CONNOLLY) for cosponsoring this amendment with me. I also want to thank Chairman GORDON and Ranking Member HALL and their staffs on the Science and Technology Committee for their hard work on the America COMPETES legislation. This legislation is vital to our Nation's long-term competitiveness.

This noncontroversial amendment for this legislation would accomplish two goals:

First, it would require the Science, Technology, Engineering and Math Coordinating Committee under the Office of Science and Technology policy to describe in their 5-year strategic plan the approaches that each STEM agency will take to conduct outreach designed to promote widespread public understanding of career opportunities in STEM fields.

Second, the amendment requires the establishment and the maintenance of a publicly accessible online database, or a STEM.gov, if you will, of all federally-sponsored STEM education programs. STEM.gov would be a one-stop shop where teachers, students, and researchers would be able to access information on all of the opportunities available in STEM fields. Currently, all STEM programs are listed in different places online with different programs, and this amendment would simply consolidate the information for easier access in one location.

Mr. Chairman, it is important that we increase awareness of all the available opportunities in STEM fields, and that is exactly what this amendment does. To that end, I would urge all my colleagues to vote “yes” for the Reyes-Connolly amendment, and also “yes” on the final passage of this legislation.

Your vote will go a long way in showing Americans that Congress is serious about making America more competitive now and in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I have no opposition or objection to this amendment.

I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield such time as he may consume to Mr. CONNOLLY of Virginia, the cosponsor of this amendment.

Mr. CONNOLLY of Virginia. I thank my friend from Texas.

Mr. Chair, let me start by thanking my colleagues for their leadership on this important legislation, both the chairman and the ranking member.

As the co-chair of the Diversity and Innovation Caucus, my colleague from Texas has been a true champion for STEM education, particularly in our underrepresented communities. Chairman GORDON and the members of the Science and Technology Committee have certainly shown leadership on this issue as well.

Our amendment builds upon that work by requiring the new STEM coordinating committee created in this legislation to work with each agency under its jurisdiction to promote more public awareness of career opportunities in the STEM fields, particularly within the Federal workforce. We have a hard time filling positions in the science, technology, and engineering and math fields, and I believe part of the trouble is that, one, people don't know that they are out there and, two, they don't realize that careers like this are available in public service. So clearly we can do better.

Our amendment also calls for new outreach strategies to women, Latinos, African Americans, Native Americans, and other students from underrepresented communities in the Federal workforce. Even in minority majority school systems like Prince William County, and Fairfax County in my district, we are working especially hard to make sure enrollment in STEM programs reflects the diversity of our student body.

Another key component of our amendment would require the STEM coordinating committee to create and maintain an online, searchable database of all federally funded STEM education programs that benefit students, teachers, and the general public.

We are providing tremendous opportunity in the STEM fields, but more people need to know about them and be excited about them for it to be successful.

Mr. Chairman, my experience in local government showed me that investments in education of our children attract families and jobs. The school and business communities in my district have made significant investments in our local STEM programs, whether it is Thomas Jefferson High School in Fairfax, whose tie I am wearing today, or the new Governor's School at Innovation Park in Prince William County.

Those efforts are just one reason why at least nine Fortune 500 companies

have brought their headquarters to Northern Virginia and why the Commonwealth of Virginia has the highest concentration of technology-related jobs in the United States, half of them in northern Virginia.

This bill will further support those local efforts and better position our region and our Nation to be a leader in the global economy.

I join my colleague from Texas in urging our colleagues to support this important amendment.

Mr. REYES. Mr. Chairman, I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. REYES. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Mr. Chairman, I have amendments en bloc at the desk.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 offered by Mr. GORDON of Tennessee consisting of amendments numbered 14, 15, 16, 17, 22, 35, 42, 43, 49, 23, 24, 46, 48, and 9 printed in part B of House Report 111-479:

AMENDMENT NO. 14 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The text of the amendment is as follows:

Page 131, line 6, redesignate paragraph (1) as paragraph (2).

Page 131, line 7, redesignate paragraph (2) as paragraph (3).

Page 131, line 9, redesignate paragraph (3) as paragraph (4).

Page 131, line 10, redesignate paragraph (4) as paragraph (5).

Page 131, line 12, redesignate paragraph (5) as paragraph (6).

Page 131, line 13, redesignate paragraph (6) as paragraph (7).

Page 131, after line 5, insert the following:
(1) Elementary school and secondary school administrator associations.

AMENDMENT NO. 15 OFFERED BY MR. BISHOP OF NEW YORK

The text of the amendment is as follows:

Page 174, after line 13, insert the following:
SEC. 412. NANOMATERIAL INITIATIVE.

The Director shall carry out a nanomaterial research initiative to—

(1) develop reference materials for nanomaterials and derived products to be used in benchmarking toxicity, calibrating instruments, and facilitating laboratory comparisons;

(2) assist in the development of international documentary standards relating to nanomaterials;

(3) develop instruments and measurement methods to determine the physical and chemical properties of nanomaterials; and

(4) gather and develop data to support the correlation of physical and chemical properties of nanomaterials to any environmental, safety, or other risks.

AMENDMENT NO. 16 OFFERED BY MR. BARROW OF GEORGIA

The text of the amendment is as follows:

Page 58, line 16, strike “and”.

Page 58, line 22, strike the period and insert “; and”.

Page 58, after line 22, insert the following new subparagraph:

(D) describe how the Federal agencies supporting manufacturing research and development will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce.

AMENDMENT NO. 17 OFFERED BY MR. CARNEY OF PENNSYLVANIA

The text of the amendment is as follows:

Page 125, after line 23, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(c) OUTREACH TO RURAL COMMUNITIES.—The Foundation shall conduct outreach to institutions of higher education and private sector entities in rural areas to encourage those entities to participate in partnerships under this section.

AMENDMENT NO. 22 OFFERED BY MS. HERSETH SANDLIN OF SOUTH DAKOTA

The text of the amendment is as follows:

Page 98, after line 4, insert the following new section:

SEC. 229. COLLABORATION IN PLANNING FOR STEWARDSHIP OF LARGE-SCALE FACILITIES.

It is the sense of Congress that the Foundation should, in its planning for construction and stewardship of large facilities, coordinate and collaborate with other Federal agencies, including the Department of Energy's Office of Science, to ensure that joint investments may be made when practicable. In particular, the Foundation should ensure that it responds to recommendations by the National Academy of Sciences and working groups convened by the National Science and Technology Council regarding such facilities and opportunities for partnership with other agencies in the design and construction of such facilities. For facilities in which research in multiple disciplines will be possible, the Director should include multiple units within the Foundation during the planning process.

AMENDMENT NO. 35 OFFERED BY MR. CHILDERS OF MISSISSIPPI

The text of the amendment is as follows:

Page 174, after line 13, insert the following:
SEC. 412. DISASTER RESILIENT BUILDINGS AND INFRASTRUCTURE.

(a) ESTABLISHMENT.—The Director shall carry out a disaster resilient buildings and infrastructure program.

(b) REAL-SCALE STRUCTURES.—As part of the program, the Director shall—

(1) develop the capability to test real-scale structures under realistic fire and structural loading conditions; and

(2) assist in the validation of predictive models by developing a database on the performance of large-scale structures under realistic fire and structural loading conditions.

(c) DATABASE.—As part of the program, the Director shall develop a database on the performance of the built environment during natural and man-made hazard events.

AMENDMENT NO. 42 OFFERED BY MR. KISSELL OF NORTH CAROLINA

The text of the amendment is as follows:

Page 182, after line 18, insert the following:
“(3) LIMITATION.—In charging and collecting fees under paragraph (1), the Secretary shall take into consideration the amount of the obligation.

Page 183, after line 22, insert the following (and redesignate subsequent paragraphs accordingly):

“(2) criteria that the Secretary shall use to determine the amount of any fees charged under subsection (j), including criteria related to the amount of the obligation;

AMENDMENT NO. 43 OFFERED BY MR. KLEIN OF FLORIDA

The text of the amendment is as follows:

Page 166, after line 9, insert the following new subsection:

(g) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (i), as added by subsection (f), the following:

“(j) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

“(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

“(2) implement a comprehensive plan to train the Centers to address such obstacles; and

“(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.”.

AMENDMENT NO. 49 OFFERED BY MR. PERRIELLO OF VIRGINIA

The text of the amendment is as follows:

Page 132, line 3, insert “, including through the interagency committee established under section 301,” after “Federal agencies”.

AMENDMENT NO. 23 OFFERED BY MR. HOLT OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle C of title I, insert the following:

SEC. 125. NATIONAL COMPETITIVENESS AND INNOVATION STRATEGY.

Not later than one year after the date of the enactment of this Act, the Director of the White House Office of Science and Technology Policy shall submit to Congress and the President a national competitiveness and innovation strategy for strengthening the innovative and competitive capacity of the Federal Government, State and local governments, institutions of higher education, and the private sector that includes—

(1) proposed legislative changes and action;

(2) proposed actions to be taken collectively by executive agencies, including White House offices;

(3) proposed actions to be taken by individual executive agencies, including White House offices; and

(4) a proposal for metrics-based monitoring and oversight of the progress of the Federal Government with respect to improving conditions for the innovation occurring in and the competitiveness of the United States.

AMENDMENT NO. 24 OFFERED BY MR. HOLT OF NEW JERSEY

The text of the amendment is as follows:

Page 62, after line 2, insert the following new subsection:

(f) SENSE OF CONGRESS REGARDING PEER REVIEW.—It is the sense of Congress that peer review is an important part of the process of ensuring the integrity of the record of scientific research, and that the National Science and Technology Council working group established under this section should take into account the role that scientific publishers play in the peer review process.

AMENDMENT NO. 46 OFFERED BY MR. MINNICK OF IDAHO

The text of the amendment is as follows:

Page 132, line 7, strike “and”.

Page 132, line 12, strike the period and insert “; and”.

Page 132, after line 12, insert the following new paragraph:

(5) providing advice to Federal agencies on how their STEM technical training and education programs can be better aligned with the workforce needs of States and regions.

AMENDMENT NO. 48 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The text of the amendment is as follows:

Page 138, line 5, strike “and”.

Page 138, line 9, strike the period at the end and insert “; and”.

Page 138, after line 9, insert the following:

(6) competitive grants for institutions of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including 2-year institutions of higher education, to establish or expand degree programs or courses in energy systems science and engineering.

AMENDMENT NO. 9 OFFERED BY MR. KANJORSKI OF PENNSYLVANIA

The text of the amendment is as follows:

Page 188, after line 25, insert the following: “(H) Interacting with the public and State and local governments to meet the goals of the cluster.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, this is a well-vetted and good amendment.

I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the chairman for the time allotted. And what a wonderful bill, and I believe it is just going to really bring our whole Nation up.

Today, we face so many mounting global challenges—international security, reviving the global economy, health, environment, wars going on—and American leadership in response to these challenges depends on national policies such as the legislation that we are debating today.

The America COMPETES Act strengthens STEM education in order to prepare our future workforce to excel and to exceed in an international economy. Future generations' ability to address 21st century global matters

efficiently and effectively will depend on their preparation and their responsiveness to international affairs.

Today, our schools lack some of the tools necessary to enhance United States' competitiveness, essential to our economy and, really, to our international success. And so I firmly believe that our Nation's leadership role in innovation depends on the education we provide in today's classrooms. In fact, one of my top legislative priorities is H.R. 3359, the U.S. and World Education Act, that has many of the types of things that this bill has.

To this end, the amendment that I am offering today would include the membership of elementary school and secondary school administrative associations to be part of the President's Advisory Committee on STEM Education. My amendment would add language to include the expertise of kindergarten through 12th grade school principals and administrators to the President's advisory committee created under section 302. The amendment will strengthen section 302 by ensuring the valuable contributions of those who are in our kindergarten through 12th grade system, those administering that, so they can bring back their ideas and tell us what is going on, because evidence suggests that kids lose interest in STEM in those grade levels. So I urge my colleagues to support this amendment.

□ 1700

Mr. HALL of Texas. Mr. Chair, I rise in opposition to the en bloc amendments before us, although I do not intend to oppose them. All 14 of the amendments are noncontroversial and are generally supported.

I do have some concern with the Carney amendment. I think while I'm supportive of trying to get students in rural areas more engaged in STEM activities, I just don't believe it's the role of NSF to perform outreach for an industry intern program, period. This amendment is part of a new and duplicative STEM Industry Internship program intended to marry local industry workforce educational needs with local college programming. There's a match associated with this grant, and I think almost any outreach to prospective students or interns should be performed by the participating industry and school with non-Federal money, not with taxpayer money. Therefore, while I will be opposing the Carney amendment, I do not plan to oppose the others in this group.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to a former administrator at Long Island College, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

My amendment directs the National Institute of Standards and Technology to develop reference materials, standards, instruments, and measurement

methods for nanomaterials and derived products. My amendment also calls on the NIST to compile data to help us understand how the properties of nanomaterials correlate with environmental, health, and safety risks. We stand on the precipice of a new wave of scientific and technological advancement through the development of nanotechnology or controlling matter on an atomic and molecular scale. Advancements in this field have the potential to create new materials and devices with a vast range of applications, such as medicine, electronics, and energy production. I am proud to represent Brookhaven National Laboratory, where many of these breakthroughs have been discovered. However, nanotechnology raises many of the same issues as with any introduction of new technology, including concerns about the toxicity and environmental impact of nanomaterials. My amendment would ensure that we closely monitor how this new technology affects our health and safety.

Mr. Chairman, while we must do all we can to incentivize and nurture innovation and competitiveness, we must also balance and make consistent the commercialization of new technologies with our duty to protect and inform the public. My amendment, therefore, helps establish a commonsense roadmap for the development of nanotechnology standards. I urge my colleagues to support my amendment and the underlying bill.

Let me also close by taking this opportunity to commend Chairman GORDON for his leadership on this issue and for a very distinguished career in Congress—a career that has reflected a firm commitment to American competitiveness.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Chairman, I've spent a lot of time visiting businesses in my district, many of which are large manufacturers. I've been struck that even as our economy becomes more sophisticated, we still rely a great deal on our manufacturing base. That base is threatened by competition from abroad and by financial crisis at home. What has sustained us through the hard times lately has always been American innovation. The America COMPETES Act fosters that tradition and I'm proud to support it.

I'm pleased to offer an amendment that I think makes this good bill a little bit better. In the 12th District of Georgia, we make everything from lawnmower blades to jet airplanes. But the fundamentals of both industries are very similar. It all starts with education in science, math, and engineering. My amendment simply requires that we include manufacturing education in our long-term strategic plan for manufacturing research and development. I think that makes good common sense, and good business sense,

and I thank the chairman for his support.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I rise in support of the America COMPETES Reauthorization Act of 2010, and I'm a proud cosponsor of this legislation to strengthen our Nation's global competitiveness. Foremost, this bill will create jobs. For example, it will give small- and medium-sized manufacturing companies pursuing cutting-edge technology access to capital. It will prepare the next generation of Americans for the jobs of tomorrow by improving science, technology, engineering, and math education. It will also keep our Nation on a path to doubling funding for scientific research in the next decade. I'm pleased to note that this bill also includes provisions to help women enter science, technology, engineering, and mathematics fields.

Mr. Chairman, I have offered an amendment to this legislation with my good friend from Pennsylvania, Congressman PATRICK MURPHY, that is in the en bloc amendment before us. Our amendment would authorize competitive grants at the Department of Energy for colleges to provide degrees in energy-related fields. Colleges and universities would be able to use the funding for degrees and courses in engineering and energy systems science. Schools could also put the funding toward expanding current programs. And I'd like to point out that community colleges, of which my district has three, would also be eligible to compete for these grants.

Finally, authorizing these grants will not cost the taxpayers one penny. Our amendment simply allows the Department of Energy to redirect some of its existing education funding towards this valuable new program.

I urge support for the Murphy-Altire provision and for the overall COMPETES Reauthorization Act.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chair, I strongly support the robust investment in education, research, innovation, manufacturing, and other programs in the COMPETES Act. The amendment I'm offering would help stitch together these important initiatives by directing the White House Office of Science and Technology Policy to prepare a comprehensive national competitiveness and innovation strategy within 1 year.

We know that half or perhaps more of the growth in our GDP over the past half century is attributable to our investments in research and technology. For decades, United States leadership

in science, engineering, and innovation was unquestionable. But we can't pretend any more that this is a given. A year ago, the Information Technology and Innovation Foundation, using good methodology, found that among 40 major nations or regions, the United States ranks not first, but sixth, in overall innovation and competitiveness. More importantly, over the last decade, every one of those 40 has improved their innovation capacity at a greater rate than we.

The five nations ranked by ITIF as "out-competing" the United States already have national competitiveness or innovation strategies in place. Altogether, at least 30 countries with whom we might compare ourselves have implemented plans to boost their competitiveness. The United States has yet to put forward a similarly comprehensive roadmap for success. Of course, it's not a panacea. But we have the tools and resources to lead the world in science and technology. We can't remain complacent as other nations race to the top. We need to know what is working and what needs improvement. We need to understand how we can reallocate our resources to improve efficiency and productivity. We need to be able to measure whether our actions are having a positive effect. Businesses, schools, and governments need to know where we stand and need to be clear on where we're going.

My amendment requires a comprehensive, coordinated national strategy for improving our economic competitiveness through innovation, and it ensures that we will continuously evaluate our progress in this area. Our competitors are doing it already. We should, too.

I urge my colleagues to support this amendment and the underlying bill. This bill is a real testament to the good work of the fine chair of the Science Committee, Mr. GORDON. I thank him for the good work.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, we have no further speakers, so let me just conclude by saying that this is a good series of amendments. This makes a good bill even better.

I yield back the balance of my time.

The Acting CHAIR (Mr. DRIEHAUS). The question is on the amendments en bloc offered by the gentleman from Tennessee (Mr. GORDON).

The amendments en bloc were agreed to.

AMENDMENT NO. 21 OFFERED BY MR. GINGREY OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 111-479.

Mr. GINGREY. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GINGREY of Georgia:

Page 98, after line 4, insert the following new section:

SEC. 229. GREEN CHEMISTRY BASIC RESEARCH.

The Director shall establish a Green Chemistry Basic Research program to award competitive, merit-based grants to support research into green and sustainable chemistry which will lead to clean, safe, and economical alternatives to traditional chemical products and practices. The research program shall provide sustained support for green chemistry research, education, and technology transfer through—

(1) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research;

(2) grants to fund collaborative research partnerships among universities, industry, and nonprofit organizations;

(3) symposia, forums, and conferences to increase outreach, collaboration, and dissemination of green chemistry advances and practices; and

(4) education, training, and retraining of undergraduate and graduate students and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering.

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment that I am offering today stems from legislation, the Green Chemistry Research and Development Act, that has passed out of the House in each of the 108th, 109th, and 110th Congresses. Unfortunately, despite the strong bipartisan support that this legislation has garnered under suspension of the rules, this legislation has been stalled by our colleagues in the Senate. Therefore, in order to move this initiative forward, I am offering it as an amendment with my colleague from Vermont (Mr. WELCH) to the National Science Foundation title of H.R. 5116. This amendment would establish a Green Chemistry Basic Research program to encourage universities and academic institutions around the country to train future workers in green chemistry technology.

Mr. Chairman, as a graduate of Georgia Tech with a bachelor of science in chemistry, I know that chemists can design chemicals to be safe, just as they can design them to have other properties, like color and texture. As chemists design products and the processes by which these products are manufactured, they can and they should factor in the possible creation of any hazardous byproducts.

This technique of considering not only the process in which chemicals are produced but also the environment in which they are created is the basic definition of what we call green chemistry. It is the method of designing chemical products and processes that

at the very least reduce, and at the very best, eliminate the use or generation of hazardous substances.

Mr. Chairman, the basic idea is this. Preventing pollution and hazardous waste from the start of a design process is far preferable to cleaning up that pollution and waste at a later date. Green chemistry does not just help protect our environment, it also helps protect our workers. The conditions under which chemicals are created and used can present many risks to those who work on their production. I would urge all my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I claim time in opposition to the amendment, even though I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I rise in support of the amendment from my friend, the gentleman from Georgia (Mr. GINGREY).

This amendment establishes a Green Chemistry Research program at the National Science Foundation. Dr. GINGREY has been an advocate for this both on the committee as well as now. I commend him for that. The emerging field of green chemistry will contribute significantly to our environmental sustainability while also driving innovation in the chemical industry sector. Green chemistry research will be instrumental in meeting the challenges of protecting human health and the environment, meeting our energy needs, enhancing the national security, and strengthening the economy. I urge my colleagues to support this amendment.

I yield back the balance of my time.

□ 1715

Mr. GINGREY of Georgia. Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Georgia has 3 minutes remaining.

Mr. GINGREY of Georgia. Mr. Chairman, I would now like to yield 2 minutes to the gentleman from Texas (Mr. HALL), the ranking member.

Mr. HALL of Texas. Mr. Chairman, I rise in support of Dr. GINGREY's amendment. This amendment would establish a green chemistry basic research and development program at the National Science Foundation, aimed at identifying scientific breakthroughs that could lead to clean, safe, and economical alternatives to chemical products. The Science and Technology Committee has supported funding for green chemistry research in a bipartisan manner for many years, and Dr. GINGREY has been the leader on this from day one. His amendment simply builds on those efforts. I thank him for offering this amendment and urge my colleagues to support it.

Mr. GINGREY of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, ultimately, I believe this amendment will help promote education through collaborative research partnerships among universities, and it will provide training tools for undergraduate and graduate students in green chemistry technology. I want to thank my colleague from the Energy and Commerce Committee, Mr. WELCH, for his support and leadership on the issue, and I would also like to thank the American Chemical Society for its endorsement of this amendment.

Last, but certainly not least, I would like to commend both Science Committee Chairman BART GORDON and Ranking Member HALL on their leadership on green chemistry and their willingness to work with us on this particular amendment. An ounce of prevention is worth a pound of cure, and green chemistry promises a ton of pollution prevention. Again, Mr. Chairman, I urge all my colleagues to support this important amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. BOCCIERI

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in part B of House Report 111-479.

Mr. BOCCIERI. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. BOCCIERI: Page 187, line 8, strike "\$50,000,000" and insert "\$100,000,000".

The Acting CHAIR. Pursuant to House Resolution 1344, the gentleman from Ohio (Mr. BOCCIERI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOCCIERI. Mr. Chair, I yield myself as much time as I may consume.

Mr. Chair, if you believe like I do that we need to be the producers of wealth, not just the movers of wealth, then you're going to like this amendment. If you believe, like I do, that we need to invest in the innovative spirit of America, then you're going to like this amendment. If you believe, like I do, that we need to be investing in our national defense and manufacturing in Ohio and across the Midwest, then you're going to like the amendment we have to offer.

I rise today in support of the Boc-cieri-Schauer-Davis-Donnelly amendment which will expand the Federal loan guarantees for innovative technologies in manufacturing from \$50 million to \$100 million. This amendment is an investment in our Nation's manufacturing base, the backbone of our economic recovery that will give additional funding for loans to embrace advances in technology, innovation and retool and rebuild so that we can compete on a global scale.

Ninety-six percent of Ohio's exports come from the manufacturing of more

than \$84 billion worth of goods, yet manufacturers in my northeastern Ohio district have been hit disproportionately hard by this economic recession, and we need to do more to expand. Companies like Sandridge Food Corporation in Medina, Barbasol Shaving Cream plant in Ashland, and the new jobs at NuEarth Corporation in Alliance all need the resources and innovative spirit to move our economy down the field. We need to grow and create jobs not only in Ohio but across our country. This will be the impetus for leading us out of this recession. This amendment nearly authorizes \$100 million to rebuild and retool our economy.

At this time, Mr. Chair, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HALL of Texas. This amendment would double to \$100 million annually the authorization levels of the new never-done-before loan guarantee program created in the bill. I have major concerns with this program as it stands, particularly because it's heavily redundant with existing loan guarantee programs, such as those at the Small Business Administration where small manufacturers can and do apply for support. Doubling the amount and doubling this spending on an unnecessary and redundant program is not good policy. Accordingly, I oppose the amendment.

I reserve the balance of my time.

Mr. BOCCIERI. Mr. Chair, I would inquire how much time I have left.

The Acting CHAIR. The gentleman has 3½ minutes remaining.

Mr. BOCCIERI. Thank you. I would like to yield 1 minute to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Mr. Chairman, manufacturing provides almost 20 percent of Indiana's jobs, more than any other sector in the State. When I am back in my district, Hoosier manufacturers tell me they want to retool and reinvest in their facilities so that we can better compete in America, so we can be the best in the world so that we can compete with our overseas competition, so that we can grow and put people back to work.

However, I often hear from our manufacturers that the credit markets, which have been so tight, have made it very, very difficult to get a loan. This amendment helps those manufacturers to achieve that goal. CBO estimates that for every \$1 we provide in loan guarantees, we can generate \$6 in loans to manufacturers, meaning this amendment enables the Department of Commerce to generate \$600 million in much-needed guaranteed loans to manufacturers who are seeking to innovate and put people back to work. That is why I support this.

Mr. HALL of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. BOCCIERI. Mr. Chair, I yield myself 1 minute.

I understand that the gentleman from Texas is rising in opposition to this amendment because he believes that it is unnecessary. But let me tell you what we're doing in Ohio. We have a community college that has worked closely with the local economy, making a bridge between the local innovation and investments and the research and development to create pipelines for jobs. Rolls-Royce Corporation just announced that they're moving their research for their fuel cells from Singapore to Stark County, Ohio. And they have a pipeline there. They're creating a curriculum based on science, technology, engineering, and mathematics. They need the resources, they need the tools to help innovate and move us out of this recession so we can end our dependence on foreign oil. This is a small example of how successful a program like this could be in our great State of Ohio.

Mr. Chair, I yield 30 seconds to the distinguished gentleman from Tennessee (Mr. GORDON), the Chair of the committee.

Mr. GORDON of Tennessee. First, let me compliment Mr. BOCCIERI and his partners for introducing this good amendment. I want to clear up a matter concerning the duplication, title 5, section 502, page 185 under "coordination and duplication": "To the maximum extent practical, the Secretary shall ensure that the activities carried out under this section are coordinated with and do not duplicate the efforts of other loan guarantee programs within the Federal Government."

This is a good amendment that will label more small- and medium-sized manufacturers to take advantage of loan guarantee programs for innovation, technologies at the Department of Commerce which, in turn, will mean more jobs for Americans.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. BOCCIERI. I would like to inquire how much time we have remaining, Mr. Chair.

The Acting CHAIR. The gentleman has 1¼ minutes remaining.

Mr. BOCCIERI. I yield 1 minute to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Mr. Chair, in Michigan, gaining access to needed capital is hard to come by, and many Michigan businesses continue to be redlined for loans. In my district, there's a need for loan programs to help manufacturers, such as production engineering in Jackson, Michigan, to help them have the opportunity to gain access to capital, to help them move forward to retool their current manufacturing process with the newest technologies, to help make the high-quality components for the military, heavy truck, construction equipment and material handling equipment, industries that they are known for, and to help put them in a better position to be able to

capture their share in the global economy.

This amendment is about jobs that we need now. I ask for your support of the Bocciari-Schauer amendment.

Mr. BOCCIERI. Mr. Chair, at this time I yield back the balance of my time.

Mr. HALL of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOCCIERI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HALL of Texas. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111-479 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GORDON of Tennessee;

Amendment No. 6 by Mr. HALL of Texas;

Amendment No. 10 by Mr. MARKEY of Massachusetts;

Amendment No. 12 by Mr. GEORGE MILLER of California;

Amendment No. 13 by Mr. REYES of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. GORDON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 6, not voting 13, as follows:

[Roll No. 262]

AYES—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin

Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Billbray
Billirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd

Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach

Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Norton
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney

Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmuter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Boyce
Ruppersberger
Rush

Ryan (OH) Sires Towns
 Ryan (WI) Skelton Tsongas
 Sablan Slaughter Turner
 Salazar Smith (NE) Upton
 Sánchez, Linda Smith (NJ) Van Hollen
 T. Smith (TX) Velázquez
 Sanchez, Loretta Smith (WA) Visclosky
 Sarbanes Snyder
 Scalise Space
 Schakowsky Speier
 Schauer Spratt
 Schiff Stark
 Schmidt Stupak
 Schrock Sullivan
 Schrader SUTTON
 Schwartz Tanner
 Scott (GA) Taylor
 Scott (VA) Teague
 Sensenbrenner Terry
 Serrano Thompson (CA)
 Sessions Thompson (MS)
 Sestak Thompson (PA)
 Shadegg Thornberry
 Shea-Porter Tiahrt
 Shimkus Tiberi
 Shuler Tierney
 Shuster Titus
 Simpson Tonko

NOES—6

Burgess Lummis Nadler (NY)
 Flake McClintock Paul

NOT VOTING—13

Barrett (SC) Hoekstra Souder
 Carney Jackson Lee Stearns
 Cole (TX) Wamp
 Davis (AL) Moore (WI) Waxman
 Garrett (NJ) Sherman

□ 1756

Mr. RYAN of Wisconsin changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Chair, on rollcall No. 262 I was unavoidably detained. Had I been present, I would have voted “yes.”

AMENDMENT NO. 6 OFFERED BY MR. HALL OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 258, not voting 15, as follows:

[Roll No. 263]

AYES—163

Aderholt Bonner Camp
 Akin Bono Mack Campbell
 Alexander Boozman Cantor
 Austria Boustany Capito
 Bachmann Brady (TX) Carter
 Bachus Broun (GA) Cassidy
 Barton (TX) Brown (SC) Chaffetz
 Biggert Brown-Waite, Coble
 Bilbray Ginny Coffman (CO)
 Billirakis Buchanan Conaway
 Bishop (UT) Burgess Crenshaw
 Blackburn Burton (IN) Culberson
 Blunt Buyer Davis (KY)
 Boehner Calvert Dent

Diaz-Balart, L. Latham
 Diaz-Balart, M. LaTourette
 Dreier Latta
 Duncan Lewis (CA)
 Emerson Linder
 Fallin LoBiondo
 Flake Lucas
 Fleming Luetkemeyer
 Forbes Lungren, Daniel
 Foxx E.
 Franks (AZ) Mack
 Frelinghuysen Manullo
 Gallegly Marchant
 Gerlach McCaul
 Greigey (GA) McCarthy (CA)
 Gohmert McCotter
 Goodlatte McCotter
 Granger McHenry
 Graves McKeon
 Griffith McMorris
 Guthrie Rodgers
 Hall (TX) Mica
 Harper Miller (FL)
 Hastings (WA) Miller (MI)
 Heller Miller, Gary
 Hensarling Moran (KS)
 Herger Murphy, Tim
 Hunter Myrick
 Inglis Neugebauer
 Issa Nunes
 Jenkins Olson
 Johnson (IL) Paul
 Johnson, Sam Paulsen
 Jones Pence
 Jordan (OH) Petri
 King (IA) Pitts
 King (NY) Platts
 Kingston Poe (TX)
 Kirk Posey
 Kline (MN) Price (GA)
 Lamborn Putnam
 Lance Radanovich

NOES—258

Dahlkemper Holt
 Davis (CA) Honda
 Davis (IL) Hoyer
 Davis (TN) Inslee
 DeFazio Israel
 DeGette Jackson (IL)
 Delahunt Johnson (GA)
 DeLauro Johnson, E. B.
 Deutch Kagen
 Dicks Kanjorski
 Dingell Kaptur
 Doggett Kennedy
 Donnelly (IN) Kildee
 Doyle Kilpatrick (MI)
 Driehaus Kilroy
 Edwards (MD) Kind
 Edwards (TX) Kirkpatrick (AZ)
 Ehlers Kissell
 Ellison Klein (FL)
 Ellsworth Kosmas
 Engel Kratovil
 Eshoo Kucinich
 Etheridge Langevin
 Faleomavaega Larsen (WA)
 Farr Larson (CT)
 Fattah Lee (CA)
 Filner Lee (NY)
 Fortenberry Levin
 Foster Lipinski
 Frank (MA) Loeb sack
 Fudge Lofgren, Zoe
 Garamendi Lowey
 Giffords Luján
 Gonzalez Lynch
 Gordon (TN) Maffei
 Grayson Maloney
 Green, Al Markey (CO)
 Green, Gene Markey (MA)
 Grijalva Marshall
 Gutierrez Matheson
 Hall (NY) Matsui
 Halvorson McCarthy (NY)
 Hare McCollum
 Harman McDermott
 Hastings (FL) McGovern
 Heinrich McIntyre
 Herseeth Sandlin McMahon
 Higgins McNerney
 Hill Meek (FL)
 Himes Meeks (NY)
 Hinchey Melancon
 Hinojosa Michaud
 Hirono Miller (NC)
 Hodes Miller, George
 Holden Minnick

Mitchell Mollohan
 Moore (KS) Reyes
 Moran (VA) Rodriguez
 Murphy (CT) Ross
 Murphy (NY) Rothman (NJ)
 Murphy, Patrick Roybal-Allard
 Nadler (NY) Ruppertsberger
 Napolitano Rush
 Neal (MA) Ryan (OH)
 Norton Sablan
 Nye Salazar
 Oberstar Sánchez, Linda
 Obey T.
 Oliver Sanchez, Loretta
 Ortiz Sarbanes
 Owens Schakowsky
 Pallone Schauer
 Pascrell Schiff
 Pastor (AZ) Schrader
 Payne Schwartz
 Perlmutter Scott (GA)
 Perriello Scott (VA)
 Peters Serrano
 Peterson Sestak
 Pierluisi Shea-Porter
 Pingree (ME) Shuler
 Polis (CO) Sires
 Pomeroy Skelton
 Price (NC) Slaughter
 Quigley Smith (WA)
 Rahall Snyder

NOT VOTING—15

Barrett (SC) Jackson Lee
 Carney (TX) Sherman
 Cole Lewis (GA) Souder
 Davis (AL) Lummis Wamp
 Garrett (NJ) Moore (WI) Watt
 Hoekstra Sessions

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1804

Mr. CLEAVER and Ms. WATERS changed their voted from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. REICHERT was allowed to speak out of order.)

MOMENT OF SILENCE HONORING FALLEN LAW ENFORCEMENT OFFICERS

Mr. REICHERT. Mr. Chairman, if I could have everyone's solemn attention, please.

As many of you know, this week is Law Enforcement Memorial Week. As I said earlier in the year when we lost four police officers in one shooting in Washington State, it's a time when all of us should stop and recognize and realize what our law enforcement family does for us each and every day.

Those Capitol Hill Police that are around us here in this building, outside these doors, the Washington, D.C., police officers who protect us to and from our place of work and to our homes and other places that we travel, we have a safe community as a result of men and women wanting to put themselves in harm's way and sometimes sacrificing their lives.

I was one of those for 33 years. I am proud to say that. As a sheriff's deputy in 1972, finally as the sheriff before coming here to Congress, I am proud to be a part of the law enforcement family. We are brothers and sisters. And being a police officer, as my friend, the

sheriff from Indiana, Sheriff ELLSWORTH, knows, it transcends everything. The cop world doesn't mean being Democrat or Republican. Being a cop doesn't mean I am a Catholic, I am a Lutheran, I am a Mormon. It doesn't mean any of those things. It means that we are men and women together as a family and a team, putting our lives on the line for people in this Nation every day.

In this year, 126 police officers were killed in the line of duty. And in Washington State alone we lost seven. So I would join with my friend Sheriff ELLSWORTH, the two sheriffs in the House, in a moment of silence, and I would yield time to Sheriff ELLSWORTH.

Mr. ELLSWORTH. Mr. Chairman, I would like to thank my friend Sheriff REICHERT, and it's appropriate today to call him by the original title at this time, for yielding me that time. I would echo his comments. Everyone in this room interacts with the Capitol Police every day. I know I made a friend in one. He gave me a t-shirt that on the back says, "You Elect Them, We Protect Them." And I wear that shirt proudly at home.

But on this serious day during National Police Week, it's important to know in this House we talk a lot about our brave men and women in uniform that protect our country, and we normally talk about the members of the armed services, and that's absolutely appropriate. But during this week I think we need to also think about the men and women in uniform who are out patrolling our streets, not just the Capitol Police, but at home in all of our districts that are working right now directing traffic, taking drug dealers off the streets, protecting our wives, protecting our families, protecting our husbands, protecting our citizens, the people we represent. We should never forget them for their constant service, 24-7 service to us and all of our constituents.

So today if we could honor them with a moment of silence, for those who did pay the ultimate price, that did give their lives in the line of duty, I would ask for that moment of silence from the House of Representatives.

The Acting CHAIR. Members are asked to rise for a moment of silence in honor of our fallen law enforcement officers.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 173, not voting 9, as follows:

[Roll No. 264]

AYES—254

| | | |
|----------------|------------------|------------------|
| Ackerman | Green, Al | Napolitano |
| Adler (NJ) | Green, Gene | Neal (MA) |
| Altmire | Grijalva | Norton |
| Andrews | Gutierrez | Nye |
| Arcuri | Hall (NY) | Oberstar |
| Baca | Halvorson | Obey |
| Baird | Hare | Oliver |
| Baldwin | Harman | Ortiz |
| Barrow | Hastings (FL) | Owens |
| Bean | Heinrich | Pallone |
| Becerra | Hereth Sandlin | Pascarell |
| Berkley | Higgins | Pastor (AZ) |
| Berman | Hill | Payne |
| Berry | Himes | Perlmutter |
| Bishop (GA) | Hinchev | Perriello |
| Bishop (NY) | Hinojosa | Peterson |
| Blumenauer | Hirono | Pierluisi |
| Bocciari | Hodes | Pingree (ME) |
| Bordallo | Holden | Polis (CO) |
| Boren | Holt | Pomeroy |
| Boswell | Honda | Price (NC) |
| Boucher | Hoyer | Quigley |
| Boyd | Inslee | Rahall |
| Brady (PA) | Israel | Rangel |
| Braley (IA) | Jackson (IL) | Reyes |
| Bright | Johnson (GA) | Richardson |
| Brown, Corrine | Johnson (IL) | Rodriguez |
| Butterfield | Johnson, E. B. | Ross |
| Capps | Kagen | Rothman (NJ) |
| Capuano | Kanjorski | Roybal-Allard |
| Carnahan | Kaptur | Ruppersberger |
| Carson (IN) | Kennedy | Rush |
| Castor (FL) | Kildee | Ryan (OH) |
| Chandler | Kilpatrick (MI) | Sablan |
| Childers | Kilroy | Salazar |
| Christensen | Kind | Salánchez, Linda |
| Chu | Kirkpatrick (AZ) | T. |
| Clarke | Kissell | Sanchez, Loretta |
| Clay | Klein (FL) | Sarbanes |
| Cleaver | Kosmas | Schakowsky |
| Clyburn | Kratovil | Schauer |
| Cohen | Kucinich | Schiff |
| Connolly (VA) | Langevin | Schrader |
| Conyers | Larsen (WA) | Schwartz |
| Cooper | Larson (CT) | Scott (GA) |
| Costello | Lee (CA) | Scott (VA) |
| Courtney | Levin | Serrano |
| Crowley | Lewis (GA) | Sestak |
| Cuellar | Lipinski | Shea-Porter |
| Cummings | Loeb sack | Sherman |
| Dahlkemper | Lofgren, Zoe | Shuler |
| Davis (CA) | Lowe | Sires |
| Davis (IL) | Lujan | Skelton |
| Davis (TN) | Lynch | Slaughter |
| DeFazio | Maffei | Smith (WA) |
| DeGette | Maloney | Snyder |
| Delahunt | Markey (CO) | Space |
| DeLauro | Markey (MA) | Speier |
| Deutch | Marshall | Spratt |
| Dicks | Matheson | Stark |
| Dingell | Matsui | Stupak |
| Doggett | McCarthy (NY) | Sutton |
| Donnelly (IN) | McCollum | Tanner |
| Doyle | McDermott | Taylor |
| Driehaus | McGovern | Teague |
| Edwards (MD) | McIntyre | Thompson (CA) |
| Edwards (TX) | McMahon | Thompson (MS) |
| Ellison | McNerney | Tierney |
| Ellsworth | Meek (FL) | Titus |
| Engel | Meeks (NY) | Tonko |
| Eshoo | Melancon | Towns |
| Etheridge | Michaud | Tsongas |
| Faleomavaega | Miller (NC) | Van Hollen |
| Farr | Miller, George | Velázquez |
| Fattah | Minnick | Visclosky |
| Filner | Mitchell | Walz |
| Foster | Mollohan | Wasserman |
| Frank (MA) | Moore (KS) | Schultz |
| Fudge | Moore (WI) | Waters |
| Garamendi | Moran (VA) | Watson |
| Giffords | Murphy (CT) | Watt |
| Gonzalez | Murphy (NY) | Waxman |
| Gordon (TN) | Murphy, Patrick | |
| Grayson | Nadler (NY) | |

Weiner
Welch

Wilson (OH)
Woolsey

Wu
Yarmuth

NOES—173

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Franks (AZ) | Murphy, Tim |
| Akin | Frelinghuysen | Myrick |
| Alexander | Gallely | Neugebauer |
| Austria | Gerlach | Nunes |
| Bachmann | Gingrey (GA) | Olson |
| Bachus | Gohmert | Paul |
| Bartlett | Goodlatte | Paulsen |
| Barton (TX) | Granger | Pence |
| Biggert | Graves | Peters |
| Blibray | Griffith | Petri |
| Bilirakis | Guthrie | Pitts |
| Bishop (UT) | Hall (TX) | Platts |
| Blackburn | Harper | Poe (TX) |
| Blunt | Hastings (WA) | Posey |
| Boehner | Heller | Price (GA) |
| Bonner | Hensarling | Putnam |
| Bono Mack | Herger | Radanovich |
| Boozman | Hunter | Rehberg |
| Boustany | Inglis | Reichert |
| Brady (TX) | Issa | Roe (TN) |
| Brown (GA) | Jenkins | Rogers (AL) |
| Brown (SC) | Johnson, Sam | Rogers (KY) |
| Brown-Waite, | Jones | Rogers (MI) |
| Ginny | Jordan (OH) | Rohrabacher |
| Buchanan | King (IA) | Rooney |
| Burgess | King (NY) | Ros-Lehtinen |
| Burton (IN) | Kingston | Roskam |
| Buyer | Kirk | Royce |
| Calvert | Kline (MN) | Ryan (WI) |
| Camp | Lamborn | Scalise |
| Campbell | Lance | Schmidt |
| Cantor | Latham | Schock |
| Cao | LaTourette | Sensenbrenner |
| Capito | Latta | Sessions |
| Cardoza | Lee (NY) | Shadegg |
| Carter | Lewis (CA) | Shimkus |
| Cassidy | Linder | Shuster |
| Castle | LoBiondo | Simpson |
| Chaffetz | Lucas | Smith (NE) |
| Coble | Luetkemeyer | Smith (NJ) |
| Coffman (CO) | Lummis | Smith (TX) |
| Conaway | Lungren, Daniel | Stearns |
| Costa | E. | Sullivan |
| Crenshaw | Mack | Terry |
| Culberson | Manzullo | Thompson (PA) |
| Davis (KY) | Marchant | Thornberry |
| Dent | McCarthy (CA) | Tiahrt |
| Diaz-Balart, L. | McCaul | Tiberi |
| Diaz-Balart, M. | McClintock | Turner |
| Dreier | McCotter | Upton |
| Duncan | McHenry | Walden |
| Ehlers | McKeon | Westmoreland |
| Emerson | McMorris | Whitfield |
| Fallin | Rodgers | Wilson (SC) |
| Flake | Mica | Wittman |
| Fleming | Miller (FL) | Wolf |
| Forbes | Miller (MI) | Young (AK) |
| Fortenberry | Miller, Gary | Young (FL) |
| Fox | Moran (KS) | |

NOT VOTING—9

| | | |
|--------------|--------------|--------|
| Barrett (SC) | Garrett (NJ) | Souder |
| Carney | Hoekstra | Wamp |
| Cole | Jackson Lee | |
| Davis (AL) | (TX) | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1817

Mr. FORTENBERRY changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 174, not voting 12, as follows:

[Roll No. 265]

AYES—250

| | | |
|-----------------|------------------|----------------|
| Ackerman | Gutierrez | Nye |
| Adler (NJ) | Hall (NY) | Oberstar |
| Altmire | Halvorson | Obey |
| Andrews | Hare | Olver |
| Arcuri | Harman | Ortiz |
| Baca | Hastings (FL) | Owens |
| Baldwin | Heinrich | Pallone |
| Barrow | Hereth Sandlin | Pascarell |
| Bean | Higgins | Pastor (AZ) |
| Becerra | Hill | Payne |
| Berkley | Himes | Perlmutter |
| Berman | Hinchey | Perriello |
| Berry | Hinojosa | Peters |
| Bishop (GA) | Hirono | Peterson |
| Bishop (NY) | Hodes | Pierluisi |
| Blumenauer | Holden | Pingree (ME) |
| Boccieri | Holt | Platts |
| Bordallo | Honda | Polis (CO) |
| Boren | Hoyer | Pomeroy |
| Boswell | Inslee | Price (NC) |
| Boucher | Israel | Quigley |
| Boyd | Jackson (IL) | Rahall |
| Brady (PA) | Johnson (GA) | Rangel |
| Braley (IA) | Johnson, E. B. | Reyes |
| Brown, Corrine | Kagen | Richardson |
| Butterfield | Kanjorski | Rodriguez |
| Capps | Kaptur | Ross |
| Capuano | Kennedy | Rothman (NJ) |
| Cardoza | Kildee | Roybal-Allard |
| Carnahan | Kilpatrick (MI) | Ruppersberger |
| Carson (IN) | Kilroy | Rush |
| Castor (FL) | Kirkpatrick (AZ) | Ryan (OH) |
| Chandler | Kissell | Sablan |
| Christensen | Klein (FL) | Salazar |
| Chu | Kosmas | Sánchez, Linda |
| Clarke | Kratovil | T. |
| Clay | Kucinich | Sarbanes |
| Cleaver | Langevin | Schakowsky |
| Clyburn | Schauer | Schauer |
| Cohen | Schiff | Schauer |
| Connolly (VA) | LaTourette | Schrader |
| Conyers | Lee (CA) | Schwartz |
| Costello | Levin | Scott (GA) |
| Courtney | Lewis (GA) | Scott (VA) |
| Crowley | Lipinski | Serrano |
| Cuellar | Loebach | Sestak |
| Cummings | Lofgren, Zoe | Shea-Porter |
| Dahlkemper | Lowey | Sherman |
| Davis (CA) | Lujan | Sires |
| Davis (IL) | Lynch | Skelton |
| Davis (TN) | Maffei | Slaughter |
| DeFazio | Maloney | Smith (WA) |
| DeGette | Markey (CO) | Space |
| Delahunt | Markey (MA) | Speier |
| DeLauro | Marshall | Spratt |
| Deutch | Matheson | Stark |
| Diaz-Balart, L. | Matsui | Stupak |
| Diaz-Balart, M. | McCarthy (NY) | Sutton |
| Dicks | McCollum | Tanner |
| Dingell | McCotter | Teague |
| Doggett | McDermott | Thompson (CA) |
| Donnelly (IN) | McGovern | Thompson (MS) |
| Doyle | McMahon | Tiberi |
| Driehaus | McNerney | Tierney |
| Edwards (MD) | Meek (FL) | Titus |
| Ellison | Meeks (NY) | Tonko |
| Ellsworth | Melancon | Towns |
| Engel | Michaud | Tsongas |
| Eshoo | Miller (MI) | Turner |
| Faleomavaega | Miller (NC) | Van Hollen |
| Farr | Miller, George | Velázquez |
| Fattah | Minnick | Visclosky |
| Filner | Mollohan | Walz |
| Foster | Moore (KS) | Wasserman |
| Frank (MA) | Moore (WI) | Schultz |
| Fudge | Moran (VA) | Watson |
| Garamendi | Murphy (CT) | Watt |
| Giffords | Murphy (NY) | Waxman |
| Gonzalez | Murphy, Patrick | Weiner |
| Gordon (TN) | Murphy, Tim | Welch |
| Grayson | Nadler (NY) | Wilson (OH) |
| Green, Al | Napolitano | Woolsey |
| Green, Gene | Neal (MA) | Wu |
| Grijalva | Norton | Yarmuth |

NOES—174

| | |
|-----------------|---------------|
| Forbes | Miller (FL) |
| Fortenberry | Miller, Gary |
| Fox | Mitchell |
| Frelinghuysen | Moran (KS) |
| Gallegly | Myrick |
| Garrett (NJ) | Neugebauer |
| Baird | Nunes |
| Gingrey (GA) | Olson |
| Gohmert | Paul |
| Goodlatte | Paulsen |
| Granger | Pence |
| Graves | Petri |
| Griffith | Pitts |
| Guthrie | Poe (TX) |
| Hall (TX) | Posey |
| Harper | Price (GA) |
| Hastings (WA) | Putnam |
| Heller | Rehberg |
| Hensarling | Reichert |
| Herger | Roe (TN) |
| Hunter | Rogers (AL) |
| Inglis | Rogers (KY) |
| Issa | Rogers (MI) |
| Jenkins | Rohrabacher |
| Johnson (IL) | Rooney |
| Johnson, Sam | Ros-Lehtinen |
| Jones | Roskam |
| Jordan (OH) | Royce |
| Kind | Ryan (WI) |
| King (IA) | Scalise |
| King (NY) | Schmidt |
| Kingston | Schock |
| Kirk | Sensenbrenner |
| Kline (MN) | Sessions |
| Lamborn | Shadegg |
| Lance | Shimkus |
| Latham | Shuler |
| Latta | Shuster |
| Lee (NY) | Simpson |
| Lewis (CA) | Smith (NE) |
| Linder | Smith (NJ) |
| LoBiondo | Smith (TX) |
| Lucas | Snyder |
| Luetkemeyer | Stearns |
| Lummis | Sullivan |
| Lungren, Daniel | Taylor |
| E. | Terry |
| Mack | Thompson (PA) |
| Manzullo | Thornberry |
| Marchant | Tiaht |
| McCarthy (CA) | Upton |
| McCauley | Walden |
| McClintock | Westmoreland |
| McHenry | Whitfield |
| McIntyre | Wilson (SC) |
| McKeon | Wittman |
| McMorris | Wolf |
| Rodgers | Young (AK) |
| Mica | Young (FL) |

NOT VOTING—12

| | | |
|--------------|------------------|--------|
| Barrett (SC) | Hoekstra | Souder |
| Carney | Jackson Lee | Wamp |
| Cole | (TX) | Waters |
| Davis (AL) | Radanovich | |
| Franks (AZ) | Sanchez, Loretta | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1823

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. REYES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. REYES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 10, not voting 13, as follows:

[Roll No. 266]

AYES—413

| | | |
|----------------|-----------------|------------------|
| Ackerman | Cuellar | Inglis |
| Aderholt | Culberson | Inslee |
| Adler (NJ) | Cummings | Israel |
| Akin | Dahlkemper | Issa |
| Alexander | Davis (CA) | Jackson (IL) |
| Altmire | Davis (IL) | Jenkins |
| Andrews | Davis (KY) | Johnson (GA) |
| Arcuri | Davis (TN) | Johnson (IL) |
| Austria | DeFazio | Johnson, E. B. |
| Baca | DeGette | Jones |
| Bachmann | Delahunt | Jordan (OH) |
| Bachus | DeLauro | Kagen |
| Baird | Dent | Kanjorski |
| Baldwin | Deutch | Kaptur |
| Barrow | Diaz-Balart, L. | Kennedy |
| Bartlett | Diaz-Balart, M. | Kildee |
| Barton (TX) | Dicks | Kilpatrick (MI) |
| Bean | Dingell | Kilroy |
| Becerra | Doggett | Kind |
| Berkley | Donnelly (IN) | King (IA) |
| Berman | Doyle | King (NY) |
| Berry | Dreier | Kingston |
| Biggert | Driehaus | Kirk |
| Billbray | Duncan | Kirkpatrick (AZ) |
| Bilirakis | Edwards (MD) | Kissell |
| Bishop (GA) | Edwards (TX) | Klein (FL) |
| Bishop (NY) | Ehlers | Kline (MN) |
| Bishop (UT) | Ellison | Kosmas |
| Blackburn | Ellsworth | Kratovil |
| Blumenauer | Emerson | Kucinich |
| Blunt | Engel | Lamborn |
| Boccieri | Eshoo | Lance |
| Boehner | Etheridge | Langevin |
| Bonner | Faleomavaega | Larsen (WA) |
| Bono Mack | Fallin | Larson (CT) |
| Boozman | Farr | Latham |
| Bordallo | Fattah | LaTourette |
| Boren | Filner | Latta |
| Boswell | Fleming | Lee (CA) |
| Boucher | Forbes | Lee (NY) |
| Boustany | Fortenberry | Levin |
| Boyd | Foster | Lewis (CA) |
| Brady (PA) | Fox | Lewis (GA) |
| Brady (TX) | Frank (MA) | Linder |
| Braley (IA) | Franks (AZ) | Lipinski |
| Bright | Frelinghuysen | LoBiondo |
| Brown (SC) | Fudge | Loebach |
| Brown, Corrine | Gallegly | Lofgren, Zoe |
| Brown-Waite, | Garamendi | Lowey |
| Ginny | Garrett (NJ) | Lucas |
| Buchanan | Gerlach | Luetkemeyer |
| Burton (IN) | Giffords | Lujan |
| Butterfield | Gohmert | Lummis |
| Buyer | Gonzalez | Lungren, Daniel |
| Calvert | Goodlatte | E. |
| Camp | Gordon (TN) | Lynch |
| Campbell | Granger | Mack |
| Cantor | Graves | Maffei |
| Cao | Grayson | Maloney |
| Capito | Green, Al | Manzullo |
| Capps | Green, Gene | Marchant |
| Capuano | Griffith | Markey (CO) |
| Cardoza | Grijalva | Markey (MA) |
| Carnahan | Guthrie | Marshall |
| Carson (IN) | Gutierrez | Matheson |
| Carter | Hall (NY) | Matsui |
| Cassidy | Hall (TX) | McCarthy (CA) |
| Castle | Halvorson | McCarthy (NY) |
| Castor (FL) | Hare | McCauley |
| Chaffetz | Harman | McCollum |
| Chandler | Harper | McCotter |
| Childers | Hastings (FL) | McDermott |
| Christensen | Hastings (WA) | McGovern |
| Chu | Heinrich | McHenry |
| Clarke | Heller | McIntyre |
| Clay | Hensarling | McKeon |
| Cleaver | Herger | McMahon |
| Clyburn | Hereth Sandlin | McMorris |
| Coble | Higgins | Rodgers |
| Coffman (CO) | Hill | McNerney |
| Cohen | Himes | Meek (FL) |
| Conaway | Hinchey | Meeks (NY) |
| Connolly (VA) | Hinojosa | Melancon |
| Conyers | Hirono | Mica |
| Cooper | Hodes | Michaud |
| Costa | Holden | Miller (FL) |
| Costello | Holt | Miller (MI) |
| Courtney | Honda | Miller (NC) |
| Crenshaw | Hoyer | Miller, George |
| Crowley | Hunter | Minnick |

| | | |
|-----------------|------------------|---------------|
| Mitchell | Reichert | Snyder |
| Mollohan | Reyes | Space |
| Moore (KS) | Richardson | Speier |
| Moore (WI) | Rodriguez | Spratt |
| Moran (KS) | Roe (TN) | Stark |
| Moran (VA) | Rogers (AL) | Stearns |
| Murphy (CT) | Rogers (KY) | Stupak |
| Murphy (NY) | Rogers (MI) | Sullivan |
| Murphy, Patrick | Rooney | Sutton |
| Murphy, Tim | Ros-Lehtinen | Tanner |
| Myrick | Roskam | Taylor |
| Nadler (NY) | Ross | Teague |
| Napolitano | Rothman (NJ) | Terry |
| Neal (MA) | Roybal-Allard | Thompson (CA) |
| Neugebauer | Ruppersberger | Thompson (MS) |
| Norton | Rush | Thompson (PA) |
| Nunes | Ryan (OH) | Thornberry |
| Nye | Ryan (WI) | Tiahrt |
| Oberstar | Sablan | Tiberi |
| Obey | Salazar | Tierney |
| Olson | Sánchez, Linda | Titus |
| Ortiz | T. | Tonko |
| Owens | Sanchez, Loretta | Towns |
| Pallone | Sarbanes | Tsongas |
| Pascarella | Scalise | Turner |
| Pastor (AZ) | Schakowsky | Upton |
| Paul | Schauer | Van Hollen |
| Paulsen | Schiff | Velázquez |
| Payne | Schmidt | Visclosky |
| Pence | Schock | Walden |
| Perlmutter | Schrader | Walz |
| Perriello | Schwartz | Wasserman |
| Peters | Scott (GA) | Schultz |
| Peterson | Scott (VA) | Watson |
| Petri | Sensenbrenner | Watt |
| Pierluisi | Serrano | Waxman |
| Pingree (ME) | Sestak | Weiner |
| Pitts | Shadegg | Welch |
| Platts | Shea-Porter | Westmoreland |
| Poe (TX) | Sherman | Whitfield |
| Polis (CO) | Shimkus | Wilson (OH) |
| Pomeroy | Shuler | Wilson (SC) |
| Posey | Shuster | Wittman |
| Price (GA) | Simpson | Wolf |
| Price (NC) | Sires | Woolsey |
| Putnam | Skelton | Wu |
| Quigley | Slaughter | Yarmuth |
| Rahall | Smith (NE) | Young (FL) |
| Rangel | Smith (TX) | |
| Rehberg | Smith (WA) | |

NOES—10

| | | |
|--------------|--------------|------------|
| Broun (GA) | McClintock | Sessions |
| Burgess | Miller, Gary | Young (AK) |
| Flake | Rohrabacher | |
| Johnson, Sam | Royce | |

NOT VOTING—13

| | | |
|--------------|-------------|------------|
| Barrett (SC) | Hoekstra | Smith (NJ) |
| Carney | Jackson Lee | Souder |
| Cole | (TX) | Wamp |
| Davis (AL) | Olver | Waters |
| Gingrey (GA) | Radanovich | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining on this vote.

□ 1831

Mr. GRIFFITH changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1830

Mr. GORDON of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARAMENDI) having assumed the chair, Mr. DRIEHAUS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other pur-

poses, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the week.

LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY ACT OF 2009

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1067) to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) For over 2 decades, the Government of Uganda engaged in an armed conflict with the Lord's Resistance Army (LRA) in northern Uganda that led to the internal displacement of more than 2,000,000 Ugandans from their homes.

(2) The members of the Lord's Resistance Army used brutal tactics in northern Uganda, including mutilating, abducting and forcing individuals into sexual servitude and forcing a large number of children and youth in Uganda, estimated by the Survey for War Affected Youth to be over 66,000, to fight as part of the rebel force.

(3) The Secretary of State has placed the Lord's Resistance Army on the Terrorist Exclusion list pursuant to section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), and LRA leader Joseph Kony has been designated a “specially designated global terrorist” pursuant to Executive Order 13224.

(4) In late 2005, according to the United Nations Office for Coordination of Humanitarian Affairs, the Lord's Resistance Army shifted their primary base of operations from

southern Sudan to northeastern Democratic Republic of Congo, and the rebels have since withdrawn from northern Uganda.

(5) Representatives of the Government of Uganda and the Lord's Resistance Army began peace negotiations in 2006, mediated by the Government of Southern Sudan in Juba, Sudan, and signed the Cessation of Hostilities Agreement on August 20, 2006, which provided for hundreds of thousands of internally displaced people to return home in safety.

(6) After nearly 2 years of negotiations, representatives from the parties reached the Final Peace Agreement in April 2008, but Joseph Kony, the leader of the Lord's Resistance Army, refused to sign the Final Peace Agreement in May 2008 and his forces launched new attacks in northeastern Congo.

(7) According to the United Nations Office for the Coordination of Humanitarian Relief and the United Nations High Commissioner for Refugees, the new activity of the Lord's Resistance Army in northeastern Congo and southern Sudan since September 2008 has led to the abduction of at least 1,500 civilians, including hundreds of children, and the displacement of more than 540,000 people.

(8) In December 2008, the military forces of Uganda, the Democratic Republic of Congo, and southern Sudan launched a joint operation against the Lord's Resistance Army's bases in northeastern Congo, but the operation failed to apprehend Joseph Kony, and his forces retaliated with a series of new attacks and massacres in Congo and southern Sudan, killing an estimated 900 people in 2 months alone.

(9) Despite the refusal of Joseph Kony to sign the Final Peace Agreement, the Government of Uganda has committed to continue reconstruction plans for northern Uganda, and to implement those mechanisms of the Final Peace Agreement not conditional on the compliance of the Lord's Resistance Army.

(10) Since 2008, recovery efforts in northern Uganda have moved forward with the financial support of the United States and other donors, but have been hampered by a lack of strategic coordination, logistical delays, and limited leadership from the Government of Uganda.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to work with regional governments toward a comprehensive and lasting resolution to the conflict in northern Uganda and other affected areas by—

(1) providing political, economic, military, and intelligence support for viable multilateral efforts to protect civilians from the Lord's Resistance Army, to apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution, and to disarm and demobilize the remaining Lord's Resistance Army fighters;

(2) targeting assistance to respond to the humanitarian needs of populations in northeastern Congo, southern Sudan, and Central African Republic currently affected by the activity of the Lord's Resistance Army; and

(3) further supporting and encouraging efforts of the Government of Uganda and civil society to promote comprehensive reconstruction, transitional justice, and reconciliation in northern Uganda as affirmed in the Northern Uganda Crisis Response Act of 2004 (Public Law 108-283) and subsequent resolutions, including Senate Resolution 366, 109th Congress, agreed to February 2, 2006, Senate Resolution 573, 109th Congress, agreed to September 19, 2006, Senate Concurrent Resolution 16, 110th Congress, agreed to in the Senate March 1, 2007, and House Concurrent Resolution 80, 110th Congress, agreed to in the House of Representatives June 18, 2007.

SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE DISARMAMENT OF THE LORD'S RESISTANCE ARMY.

(a) **REQUIREMENT FOR STRATEGY.**—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a strategy to guide future United States support across the region for viable multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army.

(b) **CONTENT OF STRATEGY.**—The strategy shall include the following:

(1) A plan to help strengthen efforts by the United Nations and regional governments to protect civilians from attacks by the Lord's Resistance Army while supporting the development of institutions in affected areas that can help to maintain the rule of law and prevent conflict in the long term.

(2) An assessment of viable options through which the United States, working with regional governments, could help develop and support multilateral efforts to eliminate the threat posed by the Lord's Resistance Army.

(3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord's Resistance Army.

(4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord's Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes Pact.

(5) A description of how this engagement will fit within the context of broader efforts and policy objectives in the Great Lakes Region.

(c) **FORM.**—The strategy under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE UGANDA AFFECTED BY THE LORD'S RESISTANCE ARMY.

In accordance with section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and section 2 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601), the President is authorized to provide additional assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.

SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUCTION IN NORTHERN UGANDA.

(a) **AUTHORITY.**—It is the sense of Congress that the President should support efforts by the people of northern Uganda and the Government of Uganda—

(1) to assist internally displaced people in transition and returnees to secure durable solutions by spurring economic revitalization, supporting livelihoods, helping to alleviate poverty, and advancing access to basic services at return sites, specifically clean water, health care, and schools;

(2) to enhance the accountability and administrative competency of local governance institutions and public agencies in northern Uganda with regard to budget management, provision of public goods and services, and related oversight functions;

(3) to strengthen the operational capacity of the civilian police in northern Uganda to enhance public safety, prevent crime, and deal sensitively with gender-based violence, while strengthening accountability measures to prevent corruption and abuses;

(4) to rebuild and improve the capacity of the justice system in northern Uganda, including the courts and penal systems, with

particular sensitivity to the needs and rights of women and children;

(5) to establish mechanisms for the disarmament, demobilization, and reintegration of former combatants and those abducted by the LRA, including vocational education and employment opportunities, with attention given to the roles and needs of men, women and children; and

(6) to promote programs to address psychosocial trauma, particularly post-traumatic stress disorder.

(b) **FUTURE YEAR FUNDING.**—It is the sense of Congress that the Secretary of State and Administrator of the United States Agency for International Development should work with the appropriate committees of Congress to increase assistance in future fiscal years to support activities described in this section if the Government of Uganda demonstrates a commitment to transparent and accountable reconstruction in war-affected areas of northern Uganda, specifically by—

(1) finalizing the establishment of mechanisms within the Office of the Prime Minister to sufficiently manage and coordinate the programs under the framework of the Peace Recovery and Development Plan for Northern Uganda (PRDP);

(2) increasing oversight activities and reporting, at the local and national level in Uganda, to ensure funds under the Peace Recovery and Development Plan for Northern Uganda framework are used efficiently and with minimal waste; and

(3) committing substantial funds of its own, above and beyond standard budget allocations to local governments, to the task of implementing the Peace Recovery and Development Plan for Northern Uganda such that communities affected by the war can recover.

(c) **COORDINATION WITH OTHER DONOR NATIONS.**—The United States should work with other donor nations to increase contributions for recovery efforts in northern Uganda and better leverage those contributions to enhance the capacity and encourage the leadership of the Government of Uganda in promoting transparent and accountable reconstruction in northern Uganda.

(d) **TERMINATION OF ASSISTANCE.**—It is the sense of Congress that the Secretary of State should withhold non-humanitarian bilateral assistance to the Republic of Uganda if the Secretary determines that the Government of Uganda is not committed to reconstruction and reconciliation in the war-affected areas of northern Uganda and is not taking proactive steps to ensure this process moves forward in a transparent and accountable manner.

SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSITIONAL JUSTICE IN NORTHERN UGANDA.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that, despite reconstruction and development efforts, a continued failure to take meaningful steps toward national reconciliation and accountability risks perpetuating longstanding political grievances and fueling new conflicts.

(b) **AUTHORITY.**—In accordance with section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the President is authorized to support efforts by the people of northern Uganda and the Government of Uganda to advance efforts to promote transitional justice and reconciliation on both local and national levels, including to encourage implementation of the mechanisms outlined in the Annexure to the Agreement on Accountability and Reconciliation between the Government of Uganda and the Lord's Resistance Army/Movement, signed at Juba February 19, 2008, namely—

(1) a body to investigate the history of the conflict, inquire into human rights viola-

tions committed during the conflict by all sides, promote truth-telling in communities, and encourage the preservation of the memory of events and victims of the conflict through memorials, archives, commemorations, and other forms of preservation;

(2) a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict, and a special unit to carry out investigations and prosecutions in support of trials;

(3) a system for making reparations to victims of the conflict; and

(4) a review and strategy for supporting transitional justice mechanisms in affected areas to promote reconciliation and encourage individuals to take personal responsibility for their conduct during the war.

SEC. 8. REPORT.

(a) **REPORT REQUIRED.**—Not later than 1 year after the submission of the strategy required under section 4, the Secretary of State shall prepare and submit to the appropriate committees of Congress a report on the progress made toward the implementation of the strategy required under section 4 and a description and evaluation of the assistance provided under this Act toward the policy objectives described in section 3.

(b) **CONTENTS.**—The report required under section (a) shall include—

(1) a description and evaluation of actions taken toward the implementation of the strategy required under section 4;

(2) a description of assistance provided under sections 5, 6, and 7;

(3) an evaluation of bilateral assistance provided to the Republic of Uganda and associated programs in light of stated policy objectives;

(4) a description of the status of the Peace Recovery and Development Plan for Northern Uganda and the progress of the Government of Uganda in fulfilling the steps outlined in section 6(b); and

(5) a description of amounts of assistance committed, and amounts provided, to northern Uganda during the reporting period by the Government of Uganda and each donor country.

(c) **FORM.**—The report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 9. SENSE OF CONGRESS ON FUNDING.

It is the sense of Congress that—

(1) of the total amounts to be appropriated for fiscal year 2011 for the Department of State and foreign operations, up to \$10,000,000 should be used to carry out activities under section 5; and

(2) of the total amounts to be appropriated for fiscal year 2011 through 2013 for the Department of State and foreign operations, up to \$10,000,000 in each such fiscal year should be used to carry out activities under section 7.

SEC. 10. DEFINITIONS.

In this Act:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(2) **GREAT LAKES REGION.**—The term “Great Lakes Region” means the region comprising Burundi, Democratic Republic of Congo, Rwanda, southern Sudan, and Uganda.

(3) **LRA-AFFECTED AREAS.**—The term “LRA-affected areas” means those portions of northern Uganda, southern Sudan, northeastern Democratic Republic of Congo, and

southeastern Central African Republic determined by the Secretary of State to be affected by the Lord's Resistance Army as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I rise in strong support of the bill and yield myself such time as I may consume.

Mr. Speaker, the Senate bill under consideration today is a companion to H.R. 2478, legislation authored by the gentleman from Massachusetts (Mr. MCGOVERN). I want to thank my good friend and colleague, Mr. MCGOVERN, for championing the cause of the people of northern Uganda who have been victimized for over two decades by the Lord's Resistance Army, a group designated as a terrorist organization by the Secretary of State.

Mr. Speaker, it is almost impossible to describe the horrors that the Lord's Resistance Army, also known as the LRA, has perpetrated on the people of northern Uganda and, more recently, in several neighboring countries.

Joseph Kony, the LRA leader, has led a militia group responsible for the slaughter of thousands of people and the displacement of over 2 million others since it was formed in 1986.

The LRA is most notorious for abducting young children, an estimated 30,000, over the past two decades, and forcing them into armed service and sexual servitude. While claiming to represent the legitimate grievances of the Ochoi people of northern Uganda, Kony has exploited those grievances to justify what only can be described as madness in his pursuit of power.

The Ugandan war is now the longest running war in Africa, longer than the conflict in Sudan. During the course of this war, the LRA has been responsible for widespread human rights violations, including murder, abduction, mutilation, sexual enslavement of women and children, and forcing children to participate in killing of Ugandans, often family members and neighbors.

The LRA shows no mercy for the young. Boys are kidnapped and turned into soldiers. Girls are kidnapped and used as sex slaves. And to terrorize communities, the LRA often amputates limbs and disfigures bodies as so-called lessons learned for those willing to resist.

The Ugandan government and the LRA began peace negotiations in 2006,

and signed an agreement in August of that year which provided for hundreds of thousands of internally displaced people to return home in safety. A final peace agreement was reached in 2008, but Kony refused to sign, and the LRA subsequently launched new attacks on civilians in eastern Congo.

Despite the LRA leader's refusal to sign the agreement, the Ugandan government has made a commitment to carry out reconstruction plans for northern Uganda, and to implement those mechanisms of the final peace agreement not conditioned on the compliance of the LRA.

Mr. Speaker, the United States Government is a friend to the people of northern Uganda, and it is in our interest to help rid Uganda and central Africa of the LRA. This bill authorizes the President to provide additional assistance to respond to the humanitarian needs of populations in the Democratic Republic of Congo, southern Sudan, and Central African Republic affected by LRA activity.

It further authorizes the President to support efforts by the people of northern Uganda and the government of Uganda to promote transitional justice and reconciliation on both local and national levels.

Mr. Speaker, it is important that we pass this legislation today to draw attention to the LRA's reign of terror and to demonstrate our support for the people of Uganda. Mr. Speaker, I urge all of my colleagues to support this bill.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I strongly support the policy objectives of Senate Bill 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.

For nearly 27 years, the Lord's Resistance Army, LRA, has been terrorizing civilians, leaving a trail of death and despondency in its wake. The LRA's leader is a soulless mass murderer who has perpetrated some of the most deplorable human rights atrocities known to man.

The LRA is a predatory guerrilla force. They mutilate, torture, rape, and murder with impunity. They have abducted tens of thousands of civilians, mostly children, to serve as soldiers or sex slaves. Abducted children are forced to the front lines. And those who manage to escape find it difficult, if not impossible, to return home after being forced to commit atrocities in front of their very own families.

While the LRA has withdrawn from northern Uganda and security conditions there have improved, it continues to wreak havoc on neighboring southern Sudan, the Democratic Republic of the Congo, and the Central African Republic.

Recent reports indicate that, rather than being weakened, the LRA today is stronger and strategically more sophisticated than it was just last year. The bill before us seeks to change that.

It requires the President to develop a comprehensive strategy to deal with the LRA. It offers political, economic, military, and intelligence support for viable multilateral efforts to protect civilians, to apprehend or eliminate top LRA commanders, and disarm and demobilize the remaining LRA fighters.

It then expresses the sense of Congress that the United States should support humanitarian efforts in LRA-affected areas, as well as programs to advance transitional justice in northern Uganda.

I appreciate the chairman's efforts to ensure that this language does not represent an earmark in funding which would conflict with Republican Members' commitment to the American taxpayer to exercise fiscal restraint and discipline.

I also appreciate that the bill conditions future assistance to the government of Uganda upon transparency and a substantial commitment of Uganda's own resources to support reconstruction efforts in the North.

Mr. Speaker, the U.N. Office for Humanitarian Affairs has said that this conflict is "characterized by a level of cruelty seldom seen, and few conflicts rival it for its sheer brutality."

Even so, it remains one of the most overlooked humanitarian and human rights crises in the world today. The fact that we are even debating this topic today is largely due to the tireless efforts of young advocates throughout the United States, including in my own congressional district, who have passionately taken up the cause of those whose lives have been destroyed by the LRA. I urge my colleagues to join them in supporting the objectives of this important bill.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is now my pleasure to yield 4 minutes to the gentleman from Massachusetts, the vice chairman of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman from New York for yielding me the time.

Mr. Speaker, this is a very important day for U.S. policy in Africa. Just about 1 year ago, on May 19, my friend and colleague from California and the champion of human rights, Congressman ED ROYCE, and I introduced H.R. 2478, the Lord's Resistance Army Disarmament and Northern Recovery Act. In the Senate, Senators RUSS FEINGOLD and SAM BROWNBACK sponsored the same bill, S. 1067, which is the bill before us for consideration today. Today, H.R. 2478 has 200 bipartisan cosponsors.

When the House passes S. 1067 today, it will be sent directly to the President's desk for his signature, and for the first time the U.S. will be required to design and implement a comprehensive strategy with our multilateral and regional partners to address the violence of the LRA; protect the victims of LRA violence in Uganda, the Democratic Republic of Congo, southern

Sudan, and the Central African Republic; strengthen state presence and capacity in these regions to the benefit of the vulnerable civilian populations; and advance the recovery of northern Uganda from decades of violence.

Mr. Speaker, a great deal has happened across the country to ensure that this bill is before the House Chamber today in scarcely 1 year. I want to especially recognize and thank the national networks, organizations, and grassroots activists of Invisible Children, Resolve Uganda, the ENOUGH! Project, and many other religious and human rights groups who have rallied in support of the people and especially the children of this region of Africa.

These Americans, thousands of them high school and college students, understood that the children and people of northern Uganda, the DRC, the southern Sudan, and the CAR have no voice in Washington.

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So they were determined to become their voice. They realized that these African children and families were invisible to Washington policymakers. So they decided to make them visible. They realized there is too much suffering, too much pain, too much destruction, too much killing in this region of Africa, so many thousands of miles away, and that there was just too much silence here in Washington. So they built a grassroots national movement of hope for peace, for justice, for reconciliation, for reconstruction, for the recovery of the human spirit. They believe that the people of northern Uganda, the children of Uganda, the DRC, Southern Sudan, and the CAR, have a right to protection and to have a voice in their own destiny.

So today is a good day, a very good day, Mr. Speaker, because today these hundreds of thousands of voices have brought this bill to the House floor today for final passage. The unresolved crisis with the Lord's Resistance Army is one of Africa's longest running and most gruesome militia-driven conflicts. It has morphed into a sadistic force, wreaking terror on the local populations, filling its ranks with abducted child soldiers and slaves.

Now, at this critical juncture in the conflict's history and when the terror once focused in northern Uganda is spreading throughout the region and surrounding countries, we must ensure that the United States commits to a proactive strategy to help see this conflict to its end, protect vulnerable populations, and support and strengthen recovery efforts in northern Uganda and the region.

I thank the many Americans, especially the young people, who have supported this bill. I urge my colleagues to vote in support of final passage of S. 1067. I thank the gentleman from New York, again, for his leadership.

HUMAN RIGHTS, HUMANITARIAN, AND FAITH-BASED GROUPS BACK LANDMARK U.S. LEGISLATION TO HELP PROTECT CIVILIANS FROM THE LORD'S RESISTANCE ARMY

WASHINGTON, DC, 21 MAY 2009.—THE INTRODUCTION OF LEGISLATION IN THE U.S. SENATE AND HOUSE OF REPRESENTATIVES EARLIER THIS WEEK TO COMMIT THE UNITED STATES TO COMPREHENSIVE EFFORTS TO HELP CIVILIANS THREATENED BY ONE OF THE WORLD'S LONGEST-RUNNING AND BRUTAL INSURGENCIES IS A CRUCIAL STEP FORWARD FOR U.S. POLICY IN THE REGION, A COALITION OF TWENTY-TWO HUMAN RIGHTS, HUMANITARIAN, AND FAITH-BASED GROUPS SAID TODAY.

If passed, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act would require the Obama Administration to develop a regional strategy to protect civilians in central Africa from attacks by the rebel Lord's Resistance Army (LRA) and enforce the rule of law and ensure full humanitarian access in LRA-affected areas. The Act additionally commits the United States to increase support to economic recovery and transitional justice efforts in Uganda. The coalition of supporting organizations includes groups in Democratic Republic of Congo, Sudan, and Uganda, where communities are currently threatened by the LRA.

"We continue to live in fear of LRA attacks and of our children being abducted," said Father Benoit Kinalegu of the Dungu/Doruma Justice and Peace Commission in DR Congo. "We are praying for help and protection and hope U.S. lawmakers will hear our cries."

Senators Russ Feingold (D-WI) and Sam Brownback (R-KS) and Representatives Jim McGovern (D-MA), Brad Miller (D-NC), and Ed Royce (R-CA) introduced the bill. It affirms the need for U.S. leadership to help bring an end to atrocities by the Lord's Resistance Army and to advance long-term recovery in the region.

"The LRA has long posed a terrible threat to civilians," said Georgette Gagnon, Africa Director at Human Rights Watch. "This bill will help the U.S. government support for comprehensive multilateral efforts to protect civilians in LRA-affected areas and to apprehend or otherwise remove the group's leader, Joseph Kony, and his top commanders from the battlefield."

For more than twenty years, northern Ugandans were caught in a war between the Ugandan military and the rebel group. The violence killed thousands of civilians and displaced nearly two million people. Kony and his top commanders sustain their ranks by abducting civilians, including children, to use as soldiers and sexual slaves. Though the rebel group ended attacks in northern Uganda in 2006, it moved its bases to the north-eastern Democratic Republic of Congo and has committed acts of violence against civilians in Congo, Sudan, and the Central African Republic. In December 2008, Sudan, Uganda and Congo began a joint military offensive, "Operation Lightning Thunder," against the rebel group, with backing from the United States. As a result, the Lord's Resistance Army has dispersed into multiple smaller groups and has brutally murdered more than 1,000 civilians and abducted over 400 people, mostly children.

"Given the catalytic involvement of the U.S. military in Operation Lightning Thunder—and the horrific aftermath of this operation—the U.S. government now has a responsibility to help end the threat posed by Joseph Kony once and for all," said John Prendergast, Co-Founder of the Enough Project. "One man should not be allowed to terrorize millions of people in four Central African countries. The bill is a crucial first

step in galvanizing immediate and effective U.S. action."

The legislation also aims to help secure a lasting peace in Uganda by supporting measures to assist war-affected communities in northern Uganda and to help resolve longstanding divisions between communities in Uganda's north and south. It authorizes increased funding for recovery efforts in northern Uganda, with a particular focus on supporting transitional justice and reconciliation. It also calls on the Ugandan government to reinvigorate its commitment to a transparent and accountable reconstruction process in war-affected areas.

"Smart investment in long-term recovery is essential if the people of northern Uganda are to live with peace and dignity," said Annalise Romoser, Lutheran World Relief Associate Director for Advocacy. "Transitional justice initiatives and the development of basic infrastructure such as food and water systems are crucial elements to lasting peace and reconciliation in Uganda. Such investment from the United States will support the inspiring efforts of northern Ugandans to return home and rebuild after decades of war and displacement."

With questions, please contact:

Michael Poffenberger, Resolve Uganda: 202.548.2517 / michael@resolveuganda.org; Eileen White Read, Enough Project: 202.741.6376 / eread@enoughproject.org; and Maria Burnett, Human Rights Watch: 917.379.1696 / burnetm@hrw.org.

Supporting organizations include:

Human Rights Watch, Enough Project, Resolve Uganda, International Rescue Committee, Invisible Children, Refugees International, AVSI, Global Action for Children, Lutheran World Relief, United States Fund for UNICEF, Women's Refugee Commission.

Evangelical Lutheran Church in America, Genocide Intervention Network, Refugee Law Project, Uganda, Gulu NGO Forum, Uganda, Dungu/Doruma Justice and Peace Commission, Democratic Republic of Congo Azande Community World-wide Organisation, UK-South Sudan, Mbomu Charitable Organization, Sudan; Ibba Charitable Organization, South Sudan, Azande Women Organization, South Sudan, Hope Sudan Organization, South Sudan, Eso Development Organization, South Sudan.

Added after 21 May 2009: Nabanga Development Agency, South Sudan, Comboni Missionary Sisters, South Sudan.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 4 minutes to the ranking member on the Foreign Affairs Subcommittee on Africa and Global Health, the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, I rise in support of the condemnation of the Lord's Resistance Army expressed in S. 1067 and the bill's goal of supporting civilian protection and development in northern Uganda. Four years ago, I chaired a hearing of the Africa, Global Human Rights and International Operations Subcommittee on: The Endangered Children of Northern Uganda. A courageous young woman named Grace Akallo testified about her abduction at the age of 15, together with 138 classmates at a boarding school, by the LRA. They and approximately 30,000 other children have endured horrifying atrocities as

child soldiers and sex slaves. Ms. Akallo eventually escaped, and her remarkable story was recounted in a book entitled, "Girl Soldier: A Story of Hope for Northern Uganda's Children," that she coauthored with human rights activist Faith McDonnell. I highly recommend the book to my colleagues and anyone who wants to learn more about these incredible human rights violations and how we can all work together to address and to stop them.

Ms. Akallo stated back in 2006 that, unfortunately, her story was not uncommon. And I sadly add that, unfortunately, it is still not uncommon. Joseph Kony continues to lead the LRA in the commission of outrageous abuses and atrocities, including the abduction, rape, and killing of innocent civilians, not only in northern Uganda, but also in the Democratic Republic of the Congo, the Central African Republic, and Southern Sudan. Although Kony has been indicted by the International Criminal Court for these and other crimes against humanity, he and his cohorts have yet to be brought to justice.

Mr. Speaker, we must do everything possible to stop the widespread suffering that he is inflicting and to help those who have survived these atrocities to recover. In her testimony, Ms. Akallo specifically asked for more resources to help people suffering because of this conflict, emphasizing that "it will be important for the Government of Uganda and the international community to provide returnees with adequate resettlement assistance and support in restoring and developing community infrastructure so that people can begin to rebuild their lives." She went on to say, "I ask for your help and the help of others to take action to end this war so that my sisters and brothers and all children of northern Uganda can sleep in peace." Mr. Speaker, I ask that all of my colleagues respond to Ms. Akallo's heartfelt request, and I do hope that this bill will pass.

Finally, I would like to engage my good friend and colleague, the gentleman from New York (Mr. ENGEL) in a very short colloquy.

I would like a clarification that neither the term "reproductive health" as it appears in the Peace Recovery and Development Plan for Northern Uganda, referenced in sections 6(b) and 8(b) of S. 1067, nor the term "sexual reproductive health and rights" in the Uganda Ministry of Health's Sector Strategic Plan II referenced in the Peace Recovery and Development Plan for Northern Uganda, nor any other references in this Act, include access to abortion for purposes of S. 1067.

I yield to my friend.

Mr. ENGEL. The gentleman from New Jersey is correct.

Mr. SMITH of New Jersey. I appreciate that.

Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to a member of the Foreign Affairs Committee, the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I also rise in support of the LRA Disarmament and Northern Uganda Recovery Act of 2009. As other Members have already said, for more than 20 years, the LRA has terrorized the Great Lakes region of Africa and continues to commit atrocities and abduct children across areas of northern Uganda, South Sudan, Democratic Republic of Congo, and Central African Republic, often targeting schools and churches. If the LRA ever sought to right some supposed wrong, if there was ever a grievance or cause that motivated the LRA, that has all long since been forgotten. The LRA's atrocities are barbarism for barbarism's own sake.

The United Nations estimates that 90 percent of the LRA's combatants are abducted children, often as young as 10. When the horrific conflict finally ends, those children must somehow return to civilized society after learning as children to kill innocent human beings without hesitation or remorse. Since the brutal Christmas Day massacres of 2008 in the Congo, the LRA has killed more than 1,000 people, abducted almost 2,000 others, and forced more than 300,000 others to flee their homes in vulnerable areas.

The LRA Disarmament and Northern Uganda Recovery Act would support multilateral efforts to bring stability and peace to northern Uganda and to protect civilians from the Lord's Resistance Army. This legislation authorizes humanitarian funding for communities across central Africa victimized by the LRA and assistance to help with recovery and reconciliation efforts in northern Uganda. This bill will help end permanently the LRA's campaign of brutality and terror and help families rebuild their lives.

Please join me in supporting this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4 minutes to the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation to end the atrocities of Joseph Kony's Lord's Resistance Army, and I am an original cosponsor of the House version of this legislation. From my view, with the passage of this bill, which now goes to the President's desk, we now are in a situation where I think Kony's removal won't guarantee peace, but it certainly will make it possible in the region. I would also just add that the fact that this legislation has made it this far is really a tribute to a group of young people, young professionals who have come up here on their own time and gone to the universities around this country to organize in order to make people aware of the plight of these children in Africa. I really thank them for that work.

Mr. Speaker, Joseph Kony is perhaps the most wanted man in Africa. He is an indicted war criminal. He is a des-

ignated terrorist. Many Americans don't know his name but the children of Uganda and Central East Africa certainly do. He is a very sadistic figure. He has a charismatic appeal to some. He heads a group called the Lord's Resistance Army, and under his two decades of tyrannical leadership that group has conscripted some 30,000 children into this killing squad. I can tell you as the former chairman of the Africa Subcommittee, if you talk to parents in Uganda or the Congo or South Sudan or the Central African Republic, the fear they have is the fear inspired by what he has been able to do.

Human rights groups report that this LRA remains powerful. It has still the ability to kill and to capture children. It may be even accelerating its program of fear and mind control over children. I'm reminded of the words of a recent researcher who interviewed a boy who escaped from the group. He reported that he was forced to kill eight other children who disobeyed Kony's rules in a 5-week time span. Those victims were surrounded in a circle. Children were forced to take turns bashing them with a bat in a "collective kill." That's eight times in 5 weeks.

The LRA's objective remains the same as it's been for a couple generations now: kill, capture, and resupply for its next pillage. There is no other reason for its being. Most experts agree that the removal of Kony and his top leadership would decapitate this group. Kony has long fought the government of Uganda. He has had the support of the Islamist government in Sudan for that war, which wanted to hit back at Uganda's leader for his support of Christians and animists in southern Sudan. Former LRA commanders report that Khartoum, Sudan, has provided "ammunition" and provides "intelligence training" for Kony's group. More recently, there have been credible reports of the LRA gaining sanctuary in Darfur. A referendum on Southern Sudan is looming next year. Unless the LRA is permanently dealt with now, you can bet that Khartoum will put this killing squad back to use again next year in Southern Sudan.

Mr. Speaker, this civil war, originally contained within Uganda's borders, is now a regional crisis in four countries. This bipartisan legislation aims to spur the administration into devising a strategy to remove Joseph Kony and remove his top commanders from the battlefield. Some targeted assistance from the U.S. could make a world of difference.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 1 additional minute to the gentleman from California.

Mr. ROYCE. I thank the gentlelady.

The world's problems can seem overwhelming at times. It is fashionable to blame conflict in Africa on poverty and other environmental factors. But sometimes just getting rid of one person does make a big difference. History is

full of captivating leaders with bad ideas who do great damage. It's a lesson I learned as chairman of the Africa Subcommittee, when Liberian president Charles Taylor ran a gangster regime in West Africa that brought havoc to neighboring Sierra Leone, where he pioneered this idea of using child soldiers and using amputations and using the techniques that Joseph Kony does now. After the hard-fought removal of Charles Taylor, and after his imprisonment, that region is peaceful.

Mr. Speaker, it isn't an exaggeration to say that the fate of hundreds of thousands of people—certainly of 30,000 children—rests in the hands of a few men. Kony's removal won't guarantee peace, but it will make it possible.

I urge the passage of this legislation.

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Mr. ENGEL. Mr. Speaker, I now yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, one of the reasons that we have this worthy legislation before us—and it certainly is that—is due to a group of young people who have dedicated their voices and energy to getting the heart-wrenching situation in Uganda the attention it demands. The Invisible Children Organization, which has its headquarters in my district, has brought the awful acts of the Lord's Resistance Army to light.

The group has galvanized an entire generation of young people here to care about children halfway around the world. Their activism has painted for many people in our country the grim, intense reality that is faced by so many Ugandans, especially the children abducted by the LRA and forced to become child soldiers. The volunteers have traveled to our cities, our schools, our businesses, probably even to many of our offices here in Washington to show their films and speak out against Joseph Kony and his army's brutality.

These young members of the Invisible Children Organization know that no child should live in fear of being abducted, mutilated or killed. With that belief, they have helped make the children of Uganda visible to us. And now with this legislation, we have the chance to truly join in this cause. This bill will require the President to devise an interagency strategy to address this crisis and heighten our country's level of support for stopping the LRA.

Last August, I had the privilege of speaking with members of the Invisible Children Organization who had come to San Diego for their training as what they called them, "roadies." I cannot do justice to their passion, their commitment, and their dedication to do what is right. Their energy absolutely ignites the room. Mr. Speaker, we cannot let them down, and more importantly, we cannot let down the suffering children this legislation will help.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of H.R. 2478—the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. This legislation calls for the end of the reign of terror perpetrated by Joseph Kony and the Lord's Resistance Army (LRA), and beginning the work of reconstruction and reconciliation efforts across northern Uganda, the Democratic Republic of the Congo, South Sudan, and Central African Republic.

This predatory rebel group has been allowed to roam unchecked across Central Africa for nearly a quarter century, leaving behind a wake of communities ravaged by their senseless violence and barbaric means of recruitment. Since 1986, the LRA has abducted tens of thousands of children to be used as soldiers or sex slaves in one of the worst and most neglected humanitarian crises on the planet.

On December 14, 2009, the LRA initiated a series of attacks in the Makombo region of the Democratic Republic of the Congo, where over the course of 4 days, the LRA massacred at least 10 villages, killing over 321 civilians and abducting over 250 civilians—80 of whom were children. In a continuation of the LRA's 24-year history of brutal, unchecked violence, the terrorist rebel group forced children to kill other children, raped girls as young as 11 years old, and gave a warning of silence to the local population by cutting off a number of villagers' ears and lips. Out of the over 321 civilians whose lives were lost, only two died from gunshot wounds, as LRA combatants are known to conserve ammunition by killing with clubs and machetes. Despite the horrific nature of the attack and the sheer number of casualties, the outside world did not receive word of the massacre before Human Rights Watch released their report almost three months later.

But ultimately there is hope in seeing an end to this crisis. For more than a year, American youth across the country have called for U.S. leadership in ending the conflict; Congress has listened, and in turn, taken concrete action in seeing an end to this war. The LRA Disarmament and Northern Uganda Recovery Act stands today as the most cosponsored piece of legislation on an Africa-related policy issue in modern congressional history; 65 Senators and 197 of my colleagues in the House of Representatives have put their names on this crucial human rights legislation.

This legislation requires that the administration deliver a strategy to Congress within 180 days of the enactment of this legislation that outlines a multilateral, interagency plan for the apprehension of top LRA commanders and protection of civilians in LRA affected areas. This budget neutral bill also sets a priority within existing State Department funding for transitional justice mechanisms in northern Uganda, disarmament, demobilization, and reintegration of former child soldiers, and immediate emergency humanitarian relief to communities devastated by the LRA in the Democratic Republic of the Congo, the Central African Republic, and Southern Sudan.

Most importantly, this bill gives a mandate to the President from Congress and the American people in taking proactive steps to bring an end to the violence of the LRA and restoring peace and stability to Central Africa. By the end of the year, I and my colleagues will look forward to seeing a robust strategy sub-

mitted from President Obama and Secretary of State Hillary Clinton, and we will continue tirelessly fighting for its successful implementation. I ask of my colleagues to support this bill.

Mr. MORAN of Kansas. Mr. Speaker, as I travel across Kansas, I frequently visit classrooms to speak with high school and college students about the importance of civic engagement and to let young people know that their thoughts and opinions matter.

Today, the House of Representatives is considering legislation that in many ways is the result of civic engagement among young people, including hundreds of Kansans. We have before us S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act. It is important legislation that requires the President to create a strategy to deal with the 24-year-old conflict in central Africa that has killed thousands and disrupted the lives of an entire generation.

Many young Kansans have passionately advocated for vulnerable children and defenseless communities in Africa. They have participated in events like the Rescue and met with government officials. They have signed petitions, written letters to the editor, and educated others about the terrible violence committed by the LRA. They have done all of this and more knowing that they will not benefit in any material way—they have done it simply because it is the right thing to do.

The hundreds of thousands of young Americans that have advocated for this cause demonstrate to their peers and those younger than them that the voices of young people matter, that young people can make a difference.

I commend the concerned young people in Kansas and across the country for their hard work and dedication. You have reason to be proud today that your efforts are paying off.

As a sponsor of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act, I encourage my colleagues to vote for this important bill. Let's do the right thing and bring an end to the LRA violence in central Africa.

Ms. HIRONO. I rise in support of S. 1067, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.

As a cosponsor of the House version of this legislation, I am grateful that the Senate passed S. 1067 by unanimous consent in March and that the House leadership has given this body the opportunity to vote on it today. I would also like to recognize the thousands of activists across the country, including students at Kalani High School and those affiliated with Invisible Children (Project Hope) in Hawaii, who have spoken out passionately about the need to act on this issue.

This bill provides a critically needed mandate for the United States to develop a comprehensive regional strategy that targets the LRA threat. For too long, the LRA has committed unspeakable atrocities throughout Uganda, including murder, mutilation, and the sexual enslavement of women and children. In addition to displacing an estimated two million Ugandans, the LRA has abducted about 66,000 children, forcing them to fight and commit human rights violations on behalf of this terrorist group. The violence has since spread beyond Uganda's borders to parts of Sudan, Central African Republic, and the Democratic Republic of Congo, resulting in increased instability throughout the region.

S. 1067 requires a plan to strengthen efforts by the United Nations and regional governments to protect civilians from attacks, support

the rule of law, and prevent conflict over the long term. S. 1067 also calls for the United States to develop an interagency strategy and an assessment of options to lead in multilateral efforts to eliminate the threat posed by the LRA, protect children and families from further attacks, enhance efforts to help LRA abductees return home safely, and bring those wanted for war crimes and crimes against humanity to justice.

Enactment of this legislation will give us the tools necessary to respond to the humanitarian needs of those affected by this crisis and begin to support reconciliation efforts in Uganda. I urge my colleagues to vote in support of S. 1067.

Mr. WAMP. Mr. Speaker, the Lord's Resistance Army (LRA) has devastated communities in northern Uganda for more than 20 years and is now killing and abducting men, women, and children across areas of southern Sudan, Democratic Republic Congo, and Central African Republic. Following the brutal massacre of more than 800 Congolese villagers attending holiday worship celebrations on Christmas Day 2008, the rebel group led by Joseph Kony continued its rampage throughout the region. Under his leadership, the LRA went on to kill more than 1,000 people, abduct nearly 2,000 others and force more than 300,000 villagers to flee their homes during the weeks surrounding the Christmas holiday. In another horrific massacre just months ago, the LRA killed 321 people and abducted 250 more, many of whom were children. This particular rebel army's violence far outpaces other violent conflicts in the region, yet it tragically gets little attention.

Thousands of Americans, especially our nation's youth, have recognized the urgency of this conflict. In my hometown of Chattanooga, I participated in an event last year called the Rescue, organized by college students as part of a national movement to raise awareness for the Invisible Children organization. I rescued a group that "abducted" themselves for a night and stayed at Coolidge Park symbolizing the thousands of Ugandan children that have been kidnapped and forced to become LRA soldiers. At that Rescue, I committed to doing what I could to help their cause. Several months later, I met with three students from The University of the South in Sewanee, Tenn., who walked 800 miles from their college campus to Washington, D.C., as a symbolic journey similar to the "night commute" that children in Uganda make into the cities to hide in schools, churches or hospitals in groups to be less susceptible to kidnappers from the LRA, then return home during the day.

Today, I remain committed to bringing awareness to these atrocities as a cosponsor of the LRA Disarmament & Northern Uganda Recovery Act. The tremendous public and Congressional support behind this legislation calls on the Obama Administration to take robust steps to lead multilateral efforts to permanently stop the rebel group's brutal violence, protect these innocent children and families from LRA attacks and help rebuild the lives of those affected. I urge the President to devise an interagency strategy to address this crisis which has gone on far too long. Alongside my colleagues who support this legislation and the hundreds of thousands of Americans who have advocated for its passage, I look forward to seeing decisive action by President Obama

and U.S. Department of State Secretary Hillary Clinton to bring about the U.S. leadership needed to see an end to this urgent and intolerable humanitarian tragedy.

Mr. BACA. Mr. Speaker, I rise to support the passage of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.

Since 1987, The Lord's Resistance Army has conducted mass killings, mutilation, and forced recruitment of children. It has terrorized the citizens and families of Uganda, South Sudan, the Democratic Republic of Congo, and the Central African Republic.

This legislation calls for serious action to protect and heal victims of Joseph Kony's LRA—Lord's Resistance Army.

For more than two decades over 20,000 boys and girls have been abducted and over 1.5 million people have been displaced.

Survivors of these horrors are haunted by medical, psychological and social consequences. We must help the abducted return home, where they can receive treatment.

This tremendous humanitarian crisis involving young boys as child soldiers and girls as reward for combatants has almost completely destroyed a generation, in a post holocaust era, when we warn "never again."

This legislation calls for the capture of LRA leader Joseph Kony to be tried for crimes against humanity. It is imperative he is removed from society to pave the way for reintegration and reconciliation.

The United States and the appropriate agencies must assist in ending LRA violence and help the people of this region rebuild their lives.

Mr. VAN HOLLEN. Mr. Speaker, as a cosponsor of the House version of this resolution, I stand in strong support of S. 1067. This measure expresses the frustration of many members of Congress who feel that efforts to disarm the Lord's Resistance Army and to bring its members to justice are progressing too slowly.

The LRA is currently branded a terrorist organization by the U.S. government for perpetrating two decades of violence in Uganda, Sudan, Central African Republic and the Democratic Republic of Congo. Led by Joseph Kony, who proclaims himself the "spokesperson" of God and a spirit medium, the LRA is responsible for the deaths of thousands of people in northern Uganda and Congo and the displacement of 2,000,000 more.

This resolution requires the president to develop a comprehensive strategy to guide future U.S. support across the region to mitigate and eliminate the threat posed by the LRA. It requires that the strategy include a plan to bolster the efforts of the United Nations and regional governments with the goal of protecting civilians and strengthening regional institutions. Additionally, the resolution recommends that an interagency framework be developed to plan, coordinate and review the diplomatic, economic, intelligence and military elements of U.S. policy across the region. Finally, the measure expresses the sense of Congress that \$10 million should be provided in FY 2011 for assistance to the Democratic Republic of Congo, southern Sudan, and Central African Republic to help them respond to the humanitarian needs of populations directly affected by the activity of the Lord's Resistance Army.

For 20 years, the LRA has led a bloody campaign of murder, abduction, sexual enslavement and mutilation across central Africa.

I ask my colleagues to join me in helping to establish a stable and lasting peace in northern Uganda and other areas affected by the LRA.

Mr. MCNERNEY. Mr. Speaker, I rise today in support of S. 1067, the Lord's Resistance Army Disarmament and Recovery Act, which recently passed the Senate and is under consideration today by the House of Representatives. The Lord's Resistance Army (LRA) formed in Uganda has committed countless atrocities. The LRA is responsible for the abduction of thousands of children from southern Sudan, the Democratic Republic of Congo, and the Central African Republic. These children have been forced to become soldiers of the LRA, and more than a thousand have died. Hundreds of thousands of people have been displaced because of the LRA's actions.

The LRA Leader, Joseph Kony, is wanted for war crimes and crimes against humanity. Leaders who commit war crimes and other atrocities can not be allowed to stay in power and obstruct the peace process that is necessary for the Ugandan people to live without the threat of abduction, violence, or death. That is why I am a cosponsor of H.R. 2478, the House companion to S. 1067, which calls upon President Obama to devise a strategy that will remove Mr. Kony from power and allow Ugandans to rebuild their lives. The U.S. should show leadership by working with international partners to bring stability to Uganda and surrounding areas. We must work to end this reign of violence in Uganda, which is why I encourage my colleagues to support S. 1067.

Mr. REICHERT. Mr. Speaker, I rise today in recognition of H.R. 2478, the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009. The legislation has the kind of broad support necessary for unanimous passage and I urge my colleagues to support this legislation.

I signed on as a co-sponsor to H.R. 2478 in November of last year. I am pleased to see that since that time, many of my colleagues have joined me in supporting this critical legislation. Unfortunately, the LRA's pattern of violence and intimidation in Uganda has shown no signs of slowing down. Joseph Kony, the LRA's leader, is overseeing atrocities and abductions in South Sudan, the Congo, and Central African Republic. Schools, churches, and community gathering places are often targeted by the LRA. Kony and two of his commanders are wanted by the International Criminal Court. The brutal and despicable nature of the LRA's crimes is unprecedented. We must act and we must act now.

H.R. 2478 would be a crucial step in ending the LRA's reign of terror and provide assistance to the victims of the violence in rebuilding their lives. The legislation is of paramount importance and I hope my colleagues join me and provide the leadership necessary to show our disapproval of Joseph Kony and the LRA.

I learned about this legislation when four young people came into my district office last year to urge me to support H.R. 2478. I was—and still am—incredibly impressed with their passion and knowledge. I have no doubt those young individuals will soon lead our nation forward; in fact, they already are. I hope this House will support their passion and knowledge and pass H.R. 2478.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and pass the bill, S. 1067.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING CLOSE U.S.-U.K. RELATIONSHIP

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1303) recognizing the close friendship and historical ties between the United Kingdom and the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1303

Whereas the Magna Carta, which subjected the English monarch and the English people to the rule of law and is considered one of the most important documents in the legal history of the United Kingdom and the United States, was recognized in 1957 by the American Bar Association for its importance to United States law and constitutionalism and remains on permanent display at the National Archives and Records Administration Building in Washington, DC;

Whereas the English philosopher John Locke, through his monumental works on social contract theory and natural law entitled "An Essay Concerning Human Understanding", "First Treatise on Government", and "Second Treatise on Government", greatly influenced the American Revolution;

Whereas Scottish economist Adam Smith's "Wealth of Nations" greatly contributed to the competition and free market principles of the United States;

Whereas the English lawyer Sir William Blackstone's "Commentaries on the Laws of England" had a lasting influence on the development of United States common law and legal institutions;

Whereas the arrival of more than 1,500,000 members of the United States Armed Forces in the United Kingdom in the 1940s was a turning point in World War II that further solidified the close friendship between the United Kingdom and the United States;

Whereas Sir Winston Churchill, who heroically and skillfully guided the United Kingdom through World War II, articulated the close ties between the United Kingdom and the United States when he was recognized by becoming the first Honorary Citizen of the United States on April 9, 1963, stating, "In this century of storm and tragedy I contemplate with high satisfaction the constant factor of the interwoven and upward progress of our peoples. Our comradeship and our brotherhood in war were unexampled. We stood together, and because of that fact the free world now stands. Nor has our partnership any exclusive nature: the Atlantic community is a dream that can well be fulfilled to the detriment of none and to the enduring benefit and honour of the great democracies.";

Whereas, on August 14, 1941, President Franklin Delano Roosevelt and Prime Min-

ister Winston Churchill agreed to the Atlantic Charter which set forward principles meant to serve as the precursor for the formation of the United Nations;

Whereas when Sir Winston Churchill resigned from his second tour of duty as Prime Minister of the United Kingdom, he warned his cabinet to "never be separated from the Americans";

Whereas the United Kingdom and the United States were founding Members of the North Atlantic Treaty Organization and were 2 of the original 12 countries to sign the North Atlantic Treaty on April 4, 1949, in Washington, DC;

Whereas the special relationship between the United Kingdom and the United States was further strengthened by the coordination of Prime Minister Margaret Thatcher and President Ronald Reagan whose firm opposition to communism ultimately led to the fall of the Union of Soviet Socialist Republics and the Iron Curtain;

Whereas after the September 11, 2001, attacks, Prime Minister Tony Blair immediately flew to the United States to express solidarity with the United States, and President George W. Bush declared in a speech before Congress that the United States "has no truer friend than Great Britain";

Whereas the United Kingdom joined forces with the United States against the Taliban in Afghanistan as part of Operation Enduring Freedom from the first attacks in October 2001 and permitted the United States to fly missions from Diego Garcia, part of the British Indian Ocean Territory;

Whereas, as of March 15, 2010, a total of 273 United Kingdom military and civilian personnel have died while serving in Afghanistan since the start of operations;

Whereas there are approximately 1,700 United Kingdom military and civilian personnel currently deployed to assist with the military and reconstruction efforts in Iraq;

Whereas since 2003 the United Kingdom has pledged 744,000,000 British pounds toward reconstruction efforts in Iraq;

Whereas 179 United Kingdom military and civilian personnel have died in Iraq since the beginning of the campaign in March 2003;

Whereas, on August 17, 2006, the United States and the United Kingdom introduced a draft United Nations Security Council resolution for the "expeditious deployment" of a United Nations peacekeeping force in Darfur, Sudan, and since have worked collaboratively to press for full implementation of the United Nations-Africa Union Mission in Darfur (UNAMID) mandate;

Whereas the United Kingdom Foreign & Commonwealth Office reports that the United States is the largest source of foreign direct investment in the United Kingdom's economy, while the United Kingdom is the largest single investor in the United States economy and, according to the United States Trade Representative, the United Kingdom is one of the European Union countries with the largest foreign direct investment in the United States; and

Whereas the United Kingdom and the United States share a commitment to free speech, democracy, and the rule of law based on the rich history of a longstanding friendship and shared ideals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the special relationship between the United Kingdom and the United States;

(2) expresses sincere gratitude to the people of the United Kingdom for their generosity, camaraderie, and cooperation with the people of the United States in military operations, foreign assistance, and other joint efforts throughout the world;

(3) acknowledges the importance of the United Kingdom's political philosophy, law, and history on the cultural, political, and legal institutions of the United States; and

(4) looks forward to continued, deepening ties of friendship between the peoples of the United Kingdom and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentleman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of this resolution that recognizes the special relationship and historical ties between the United Kingdom and the United States. Mr. Speaker, I wish to thank my good friend, Congressman LINCOLN DIAZ-BALART from Florida, for introducing this measure.

The United Kingdom and the United States have a long history born of shared values and experiences. British legal and philosophical traditions have greatly influenced American practices while both our nations remain committed to human rights, rule of law, and good governance. Our economies are deeply intertwined, as became particularly evident during the global financial crisis. Indeed, Britain is the largest single investor in our economy, while we are the largest source of foreign direct investment in theirs.

Our two nations also share a proud military history. British and American soldiers have stood shoulder to shoulder throughout the major conflicts of the last 100 years. Together we confronted the challenges of Nazism and communism, while today we are fighting together against the scourge of international terrorism. We remain grateful for Britain's active participation in the military and reconstruction efforts in Iraq and Afghanistan.

In recent months, some in Britain have begun to question this "special relationship," a phrase coined by British Prime Minister Winston Churchill in 1945. As is in the case of all relationships, the dynamic link between the U.S. and the U.K. has evolved over time. However, it is clear that our relationship is unique, vitally important and must continue to be nurtured. The United Kingdom remains an essential ally, a valuable partner and a true friend. All British Prime Ministers and American Presidents have forged effective working relationships in order to confront together the challenges facing the present day.

On May 6, just a little while ago, the British people went to the polls. Yesterday we watched the political drama unfold as a coalition agreement was reached between the Conservative and Liberal Democratic Parties. The United States congratulates and stands ready to foster a strong relationship with Britain's new Prime Minister, David Cameron. This postelection period is an opportune moment to reflect upon the strong ties that bind our nations, to celebrate our friendship, and to recommit ourselves to continued cooperation in the future. Much work needs to be done, and the United States has no better partner in the world than the United Kingdom.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself as much time as I may consume.

I am so pleased to rise in enthusiastic support of this important resolution, authored by my Florida colleague, the gentleman, Congressman LINCOLN DIAZ-BALART. This resolution recognizes the unsurpassed friendship and abiding special relationship between the United States and the United Kingdom.

Throughout the history of our alliance and our friendship, we have stood by each other with a level of military, economic and diplomatic commitment and coordination of such an unparalleled extent that it has even been referred to as the "special relationship." The United Kingdom has been a true friend of the United States even to the extraordinary measures of sharing and even jointly operating military bases overseas and being one of the few NATO allies in Afghanistan without restrictions on its troops' ability to engage in combat operations.

The United Kingdom has also been a significant partner in efforts to prevent an Iranian nuclear weapons capability and has led efforts to convince the EU to adopt strong sanctions against the Iranian regime. Further, our economic bilateral relationship is without comparison as our nations' common sense of entrepreneurship and strong belief in free market principles has fostered extraordinary levels of trade and resulted in each country being the largest investor in the other's economy.

In recent years, there has been some debate about the state of this special relationship and whether it is as solid today as it was in the days of President Franklin Roosevelt and Prime Minister Winston Churchill or in the days of President Ronald Reagan and Prime Minister Margaret Thatcher. I am, indeed, concerned that some members in each of the three major British political parties have asserted a need to reevaluate our special relationship, citing their perception that the United States has already begun to back away from its close relationship toward the United Kingdom.

I believe, however, Mr. Speaker, that the special nature of our relationship is

not solely dependent upon the level of camaraderie between our political leaders at any given time. It is, instead, based on the bedrock ideals of democracy, of economic liberty, and respect for the rule of law that we both share.

As with all close allies, it is incumbent upon both parties to continually work to improve and to strengthen the relationship, but I think that there is something of substance in our two countries' relationship, something based on those shared principles and cultural connections that endures.

With passage of this resolution, Mr. Speaker, the House of Representatives will send a strong message of our commitment to that special relationship with our closest ally across the Atlantic, the United Kingdom. I, therefore, urge my colleagues to join me in supporting this important resolution.

Mr. Speaker, I am now very pleased to yield such time as he may consume to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the ranking member on the Rules Subcommittee on Legislative and Budget Process and the author of the resolution before us.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend Ms. ROS-LEHTINEN and also my friend Mr. ENGEL for their help in getting this resolution to the floor and their strong support of this important resolution.

I take this opportunity, Mr. Speaker, to congratulate the United Kingdom's new Prime Minister, David Cameron, as he, as head of the Conservative Party, forms a new government with the Liberal Democrats. We wish him and all of the British people all the best. It's important that we in Congress take the time to recognize that great friend and ally of the United States. It is important that we recognize the special friendship and all that the United Kingdom has done to stand with the United States.

This resolution recognizes the special relationship between the United Kingdom and the United States. It points out the strong influence that English philosophers, economists, jurists and other leaders have had on American political thought, on the United States legal system and on our government. This strong special relationship, founded on our shared history, continues into the modern day. The United Kingdom has repeatedly demonstrated the strength of its camaraderie with the United States.

Within the last decade, the United Kingdom joined forces with us against the Taliban as part of Operation Enduring Freedom, and U.K. soldiers have fought alongside American soldiers in Iraq. The United Kingdom has suffered a tragic loss of life as a result. As of March, 273 U.K. military and civilian personnel have given their lives in Afghanistan, and 179 have given the last full measure of devotion in Iraq.

I am very proud, Mr. Speaker, to have introduced this resolution, high-

lighting the strong ties that bind our countries together. The United Kingdom is a great friend and ally of the United States. Reflecting on our relationship, Winston Churchill said, "In this century of storm and tragedy, I contemplate with high satisfaction the constant factor of the interwoven and upward progress of our peoples. Our comradeship and our brotherhood in war were unexampled. We stood together, and because of that fact, the free world now stands. Nor has our partnership any exclusive nature: the Atlantic community is a dream that can well be fulfilled to the detriment of none and to the enduring benefit and honor of the great democracies."

During the most trying times in the history of the United States, we have had no truer friend than the United Kingdom. I sincerely hope that our futures will continue to reflect our histories, deepen our friendship and continually refresh our commitment to the shared values of the rule of law and democratic principles. I urge all of my colleagues to support this important and, I believe, timely resolution.

Mr. ENGEL. I reserve the balance of my time.

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Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself 30 seconds to point out that today, on the first day in office of a new British Government, let us send to Prime Minister David Cameron and to the people of the United Kingdom a clear message of our friendship and our commitment to this special relationship. I ask my colleagues to join me in support of this important measure.

I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I would yield 30 seconds to myself to say that anyone who has gone to the United Kingdom, you feel this special relationship as we mentioned on both sides of the aisle. You feel the camaraderie and you do feel the special bond. I would say tongue in cheek, if we look at the British coalition together, they put together a coalition of liberal Democrats and conservatives; and I would say to the gentlewoman from Florida, if we could do that more often, we may learn a lot more from the British.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DEUTCH). The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 1303, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Recognizing the special relationship and historic ties between the United Kingdom and the United States."

A motion to reconsider was laid on the table.

COMMENDING THE COMMUNITY OF DEMOCRACIES

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1143) commending the Community of Democracies for its achievements since it was founded in 2000, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1143

Whereas the Community of Democracies is a global intergovernmental organization of democratic countries which aims to promote democracy and strengthen democratic norms and institutions around the world;

Whereas the Community of Democracies was founded in June 2000 at a ministerial conference in Warsaw, Poland;

Whereas the Warsaw Conference was convened upon the initiative of then-Secretary of State Madeleine Albright and then-Minister of Foreign Affairs of Poland Bronislaw Geremek;

Whereas delegations from 106 countries signed the final declaration of the Warsaw Conference on June 27, 2000, endorsing an agreed list of core democratic principles and practices, and committing themselves to the promotion of those principles and practices;

Whereas since the Warsaw Conference, there have been four subsequent ministerial conferences of the Community of Democracies in Seoul, Korea, in November 2002, Santiago, Chile, in April 2005, Bamako, Mali, in November 2007, and Lisbon, Portugal, in July 2009;

Whereas since its founding the Community of Democracies has been guided by a Convening Group, today consisting of Cape Verde, Chile, Czech Republic, El Salvador, India, Italy, Lithuania, Mali, Mexico, Mongolia, Morocco, Philippines, Poland, Portugal, South Africa, South Korea, and the United States;

Whereas in June 2009, Lithuania assumed the Presidency of the Community of Democracies for a two-year term;

Whereas upon the initiative of the Government of Poland, the Community of Democracies established a Permanent Secretariat in Warsaw in January 2009, with the goal of strengthening the institution and enabling it to more effectively fulfill its mission of promoting democracy worldwide;

Whereas the Permanent Secretariat in Warsaw has established itself as a vibrant institution of the Community of Democracies, with an active agenda and effective operation;

Whereas under the leadership of the Convening Group, the Lithuanian Presidency, the Permanent Secretariat, and the International Steering Committee, the Community of Democracies has mounted recent efforts to promote democracy in such countries as Iran, Burma, and Afghanistan, and passed resolutions, issued position statements, and committed itself further to missions assisting democratic advancement in those countries and societies which desire it; and

Whereas on the 10th anniversary of the Warsaw Conference, the Community of Democracies will convene in Krakow, Poland, to re-launch the Community and adopt a work program to advance democracy worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Community of Democracies for its achievements since it was founded in 2000;

(2) applauds the recent establishment of the Permanent Secretariat of the Community of Democracies and expresses its appreciation to the Government of Poland for the support it has extended to the Permanent Secretariat and for hosting it in Warsaw;

(3) appreciates the energy and initiative that the Lithuanian Presidency has committed to the Community of Democracies and its Working Groups; and

(4) extends its best wishes for the success of the Community's ongoing efforts to promote democracy worldwide, and of the Krakow Conference, which will be held on the 10th anniversary of the founding of the Community of Democracies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I rise in strong support of this resolution that commends the Community of Democracies for its many achievements since the organization's founding a decade ago, and I yield myself such time as I may consume.

I wish to thank my good friend, the gentleman from Illinois (Mr. QUIGLEY), for his leadership in introducing this measure and bringing it forward for our consideration today.

Mr. Speaker, in January 1999, then-Secretary of State Madeleine Albright told the Los Angeles Times that her highest priority before leaving office was to create a global community of democracies. That objective became a reality in June 2000 when she, along with then-Polish Foreign Minister Geremek, convened ministerial delegations from 106 countries in Warsaw to sign a declaration entitled "Toward a Community of Democracies."

This declaration sought to demonstrate methods of support to countries that strive for freedom and democracy. It also established a global, intergovernmental coalition of democratic countries that are committed to promoting democratic rules and strengthening democratic institutions around the world.

I think it is somewhat ironic that this inaugural meeting was in Warsaw, because we know Warsaw has had a long history of being occupied and not being free. Since Warsaw, ministerial conferences have been held in Seoul, Korea; Santiago, Chile; Bamako, Mali; and Lisbon, Portugal. In addition, a Permanent Secretariat was established in Warsaw in order to strengthen the institution and further its mission of democracy promotion.

In early July, on the 10th anniversary of the organization's founding, the Community of Democracies will meet in Krakow, Poland to relaunch the Community and adopt a work program to advance democracy worldwide. This gathering, which will be hosted by Polish Foreign Minister Sikorski, will undoubtedly be one of the most prominent international gatherings of democracy decision-makers this year.

It is fitting that this meeting once again will be held in Poland, not only because it was the location of the Community's founding and a real success story of post-Cold War democratization efforts, but also because the world is grieving with the Polish people following the tragic loss of their President in the plane crash.

As the United States is one of the founding members of the Community and a participant in its convening group, it is appropriate that the House adopt this resolution that commends the Community of Democracies for its achievements and wishes it much success in its upcoming conference.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of this resolution, and I thank the gentleman from Illinois (Mr. QUIGLEY) for providing us with this timely opportunity to recognize the work of the Community of Democracies. Next month will mark the anniversary of the founding of that intergovernmental organization 10 years ago in Warsaw, Poland.

Unlike the United Nations, the governmental participants in the Community of Democracies are not distinguished merely by the fact that they hold power in a country. They are bound by their commitments to the core democratic principles set out in the Warsaw Declaration, including, among others: the right of citizens to choose their governments through regular, free, and fair elections; freedom of opinion; freedom of expression; freedom of conscience; freedom of religion; freedom of peaceful assembly; freedom of association; the right to be free from arbitrary arrest and detention; and the importance of a competent, independent, and impartial judiciary.

Furthermore, Mr. Speaker, as outlined in the Seoul ministerial meeting in 2002, the Community has developed criteria and procedures to help ensure that only practicing democracies are participants. Maintaining those standards is critical, as they give the Community a moral authority and a substantive voice that is so badly needed in today's world.

The promise and possibilities of the Community have become even more important at a time when other multilateral bodies have been poisoned by membership without standards. We need look no further than the discredited U.N. Human Rights Council. When

a so-called human rights body counts China, Cuba, Saudi Arabia and other abusive regimes as members, we cannot claim to be surprised at how ineffective it has become in protecting and advancing fundamental freedoms.

The U.N. Human Rights Council is a feckless and ideologically manipulated talk-shop that expends most of its energy not on the North Korean gulag or genocide in Sudan or repression in Burma or the brutal dictatorship in Cuba or the beatings of the peaceful Damas de Blanco, or Ladies in White, oh, no. They spend their time attacking the democratic Jewish State of Israel.

In this environment, the need for a cohesive, energetic, multilateral voice that truly stands for and defends political freedom and fundamental human rights is greater than ever. This is where the Community of Democracies can step in and fill that need.

The Permanent Secretariat of the Community of Democracies began operating just in January 2009 and is located where the Community issued its founding declaration: in Warsaw, Poland. We continue to be grateful to the government and the people of Poland for hosting the secretariat and for their living witness to the democratic ideals, ideals nurtured even during their trying experience of communism and Soviet domination in the 20th century.

I also want to express my appreciation to the Government of Lithuania for its presidency of the Community of Democracies since last July. Looking ahead, I sincerely hope that the Community will maintain its distinctive voice.

We must help ensure that the regional groups of the Community will make additional, concrete progress, such as on the Inter-Arab Democratic Charter discussed by members of the Middle East group at the 2005 ministerial meeting in Santiago.

Finally, we must help ensure that the Community will emphasize democracy and human rights as predicates for efficient, responsible, economic development, and not as luxuries that can only be expected in affluent societies.

And as the more than 100 participating countries prepare to meet in Krakow in July, let us all recommit ourselves to promoting the ideals of freedom to which we all aspire.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, it is my pleasure now to yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY), the author of this resolution.

Mr. QUIGLEY. Mr. Speaker, I thank my colleagues for their kind words on this matter.

I rise today in strong support of H. Res. 1143, a bipartisan resolution commending the Community of Democracies on its 10-year anniversary.

The Community of Democracies is a truly global, intergovernmental orga-

nization of democratic nations. The organization seeks to promote democracy and strengthen democratic institutions around the world. Spearheaded by former Secretary of State Madeleine Albright, the overarching goal was to create a global community of democratic nations. Secretary Albright's vision became a reality in 2000 when 106 nations came together in Warsaw to launch the Community of Democracies.

This July marks the 10-year anniversary, and my resolution honors their achievements over the last decade. The resolution also expresses hope for success at the anniversary conference to be held in Krakow this July. Honoring the Community has always been important, but in light of the recent tragedy in Poland, the significance of this resolution has dramatically increased.

The Community of Democracies has deep ties with Poland and Polish leaders. The organization was founded in Warsaw, Poland, under the leadership of then-Minister of Foreign Affairs of Poland Bronislaw Geremek. It was the Government of Poland that initiated the establishment of a Permanent Secretariat in Warsaw in January 2009 to strengthen the institution. It is fitting, therefore, that Poland will host the anniversary conference.

Poland has endured much sorrow recently, but we know the country and her people will find the resilience to emerge stronger, as they have before, following this unimaginable tragedy.

This resolution honors those democratic institutions exemplified by Poland and by every other democracy throughout the world. I urge my colleagues to support H. Res. 1143, commending the Community of Democracies.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the ranking member of the Rules Committee Subcommittee on Legislative and Budget Process.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend for yielding me the time and Mr. QUIGLEY for introducing this important resolution.

The Community of Democracies, a global intergovernmental coalition of over 100 democratic states, has proven its support for the promotion of democracy in civil society over the decade since its founding.

I would like to take this opportunity to highlight, as Ms. ROS-LEHTINEN appropriately mentioned before, the leadership of the Republic of Lithuania, which took over the presidency of the Community of Democracies in July 2009. Lithuania has shown remarkable leadership in pressing forward with the Community's agenda of promoting democracy, human rights, and freedom in oppressed lands such as Burma, Belarus, and Cuba.

Under the guidance of Ambassador Zygimantas Pavilionis, chief coordi-

nator of Lithuania's presidency of the Community of Democracies, the Community created a Parliamentary Forum in March of this year. I have been impressed by Ambassador Pavilionis' exceptional leadership and commitment to strengthening the role of the Community of Democracies in fulfilling its mission of promoting democratic institutions and civil society.

In March of this year, I was privileged to attend the convening meeting of the Parliamentary Forum of the Community of Democracies in Vilnius, Lithuania. At the first meeting of the Parliamentary Forum, Emanuelis Zingeris, chairman of the Foreign Affairs Committee of the Seimas of Lithuania, was elected as the first president of the Parliamentary Forum of the Community of Democracies. Mr. Zingeris is a charismatic and brilliant leader who will doubtless be an effective president of the Parliamentary Forum throughout his term.

Also at the Parliamentary Forum, I had the great honor of being elected one of the seven vice presidents of the new entity, along with fellow vice presidents Michal Tomasz Kaminski, Polish member of the European Parliament and chairman of the European Conservatives and Reformists in the European Parliament; Michael Gahler, German member of the European Parliament of the Group of the European People's Party; Alexandr Vondra, a senator from the Czech Republic; Adriana Gonzalez Carrillo, a senator of the Republic of Mexico; David Kilgour, former member of Parliament and a well-known human rights activist in Canada; and David Bakradze, speaker of the Parliament of Georgia.

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Notably, the Parliamentary Forum's first adopted resolution at its convening meeting on March 12, 2010, called for the support of Cuba's pro-democracy movement. I have a copy of that resolution, Mr. Speaker here. I will insert it into the RECORD.

And the Parliamentary Forum's international solidarity, as demonstrated by this resolution, a strong and very appropriate, well-written resolution that, for example, honors, and I read from it, Cuban pro-democracy fighters such as the martyr Orlando Zapata Tamayo and expresses its admiration for the efforts of other heroes such as Guillermo Farinas. This is a concrete, specific demonstration of genuine solidarity by the Parliamentary Forum of the Community of Democracies with the suffering people of Cuba and the freedom fighters who, within Cuba, are struggling to bring democracy and freedom to that land.

Orlando Zapata Tamayo was assassinated by the Cuban dictatorship, and he died after over 80 days on a hunger strike protesting the tortures that he was continuously subjected to as a political prisoner.

And Guillermo Farinas is, as we speak, on a hunger strike in Cuba. This

institution, the Parliamentary Forum of the Community of Democracies, expressed its solidarity with these Cuban rights fighters, fighters for freedom. And in that way, demonstrated its genuine commitment to furthering democratic institutions and assisting those who are fighting for freedom.

The resolution today, Mr. Speaker, that will be passed by the Congress of the United States in support of commending the Community of Democracies on its 10th anniversary is timely. I wholeheartedly support it. I commend the Community of Democracies for 10 years of leadership, and I urge all of my colleagues to vote for this resolution.

Again, thank you, Mr. ENGEL. Thank you Ms. ROS-LEHTINEN. This is an important and timely resolution. These are friends of freedom that we're commending today, an institution that, as Ms. ROS-LEHTINEN pointed out, is not there for cocktail parties or press releases. And it doesn't allow itself to be tarnished, like abominable institutions such as the so-called Human Rights Council of the United Nations, to be tarnished by, in effect, defending tyrannies. The Community of Democracies is that, a community of democracies that stands for and believes in freedom and democracy. That's why it's appropriate to commend them on their 10th anniversary.

THE COMMUNITY OF DEMOCRACIES
PARLIAMENTARY FORUM

RESOLUTION CALLING FOR SUPPORT OF CUBA'S
PRO-DEMOCRACY MOVEMENT, THE CONVENING
MEETING, 2010 MARCH 12

Whereas the pro-democracy movement in Cuba has grown at a rapid pace over the last three years, and specific expressions of the movement are evident today in the explosion of bloggers on the island, independent journalists, musicians, artists, writers, and others, who are using their talents to denounce the atrocities of the dictatorship all while putting forth new ideas for the transition to democracy;

Whereas there are still extraordinary obstacles to overcome such as the continued repression by the totalitarian dictatorship, extremely limited access to the Internet and "texting" capabilities, and a lack of a coherent message of solidarity from the international community;

Whereas the dictatorship is fearful of the growth of the pro-democracy movement;

Whereas the message of the Movement is coherent and clear in demanding freedom for all Cuban political prisoners, beginning with those who are gravely ill inside the prison, freedom of expression and free, fair multiparty elections with international supervision;

Whereas this common position of the Cuban pro-democracy movement requires greater recognition, dissemination and solidarity on the part of the Community of Democracies;

Whereas now more than ever the Cuban pro-democracy movement requires that the democratic community takes concrete steps to demonstrate its solidarity; Now, therefore be it

Resolved, That the Community of Democracies Parliamentary Forum—
condemns the brutality of the Cuban regime against Cuban political prisoners;
expresses its full support for the Cuban pro-democracy movement;

honors Cuban pro-democracy fighters such as the martyr Orlando Zapata Tamayo and expresses its admiration for the efforts of other heroes such as Guillermo Farifias;

calls for the immediate release of all Cuban political prisoners and free multiparty elections in Cuba; and

calls on the democratic community to take concrete steps in demonstrating their solidarity with the Cuban pro-democracy movement by providing humanitarian and technological assistance to the pro-democratic movement, urging certain foreign diplomatic posts in Havana to strengthen contacts with pro-democratic activists on the island, encouraging foreign dignitaries to visit Cuba for the sole purpose of meeting with pro-democratic activists, and looking for opportunities to reiterate and support the common position of the Cuban pro-democracy movement in the international community.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 1143, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMENDING PROGRESS MADE BY
ANTI-TUBERCULOSIS PROGRAMS

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1155) commending the progress made by anti-tuberculosis programs, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1155

Whereas tuberculosis (hereafter in this preamble referred to as "TB") is the second leading fatal global infectious disease behind HIV/AIDS, claiming 1,800,000 million lives each year;

Whereas the global TB pandemic and the spread of drug resistant TB present a persistent public health threat to the United States;

Whereas according to 2009 data of the World Health Organization, 5 percent of all new TB cases are drug resistant;

Whereas TB is the leading killer of people with HIV/AIDS;

Whereas TB is the third leading killer of adult women, and the stigma associated with TB disproportionately affects women, causing them to delay seeking care and interfering with treatment adherence;

Whereas the Institute of Medicine (IOM) found that the resurgence of TB between 1980 and 1992 was caused by cuts in TB control funding and the spread of HIV/AIDS;

Whereas, although the numbers of TB cases in the United States continue to decline, progress towards TB elimination has slowed, and it is a disease that does not recognize borders;

Whereas New York City had to spend over \$1,000,000,000 to control a multi-drug resistant TB outbreak between 1989 and 1993;

Whereas an extensively drug resistant form of TB, known as XDR-TB (hereafter re-

ferred to in this preamble as "XDR-TB"), is very difficult and expensive to treat and has high and rapid fatality rates, especially among HIV/AIDS patients;

Whereas the United States has had more than 83 cases of XDR-TB over the last decade;

Whereas the Centers for Disease Control and Prevention estimated in 2009 that it costs \$483,000 to treat a single case of XDR-TB;

Whereas African Americans are 8 times more likely to have TB than Caucasians, and significant disparities exist among other United States minorities, including Native Americans, Asian Americans, and Hispanic Americans;

Whereas, although drugs, diagnostics and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic;

Whereas the most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children;

Whereas current tests to detect drug resistance take at least 1 month to complete and faster drug susceptibility tests must be developed to stop the spread of drug resistant TB;

Whereas the TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults;

Whereas there is also a critical need for new TB drugs that can safely be taken concurrently with antiretroviral therapy for HIV;

Whereas enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 and the Comprehensive TB Elimination Act provide an historic United States commitment to the global eradication of TB, including to the successful treatment of 4,500,000 new TB patients and 90,000 new multi-drug resistant (MDR) TB cases by 2013, while providing additional treatment through coordinated multilateral efforts;

Whereas the United States Agency for International Development provides financial and technical assistance to nearly 40 highly-burdened TB countries and supports the development of new diagnostic and treatment tools, and is authorized to support research to develop new vaccines to combat TB;

Whereas the Centers for Disease Control and Prevention, working in partnership with States and territories of the United States, directs the national TB elimination program and essential national TB surveillance, technical assistance, prevention activities and supports the development of new diagnostic, treatment and prevention tools to combat TB;

Whereas the National Institutes of Health, through its many institutes and centers, plays the leading role in basic and clinical research into the identification, treatment and prevention of TB;

Whereas the Global Fund to Fight AIDS, Tuberculosis and Malaria provides 63 percent of all international financing for TB programs worldwide and finances proposals worth \$3,200,000,000 in 112 countries, and TB treatment for 6,000,000 and HIV/TB services for 1,800,000, and in many countries in which the Global Fund supports programs, TB prevalence is declining, as are TB mortality rates; and

Whereas March 24, 2010, is World Tuberculosis Day, a day that commemorates the date in 1882 when Dr. Robert Koch announced

his discovery of *Mycobacterium tuberculosis*, the bacteria that causes tuberculosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of World TB Day to raise awareness about tuberculosis;

(2) commends the progress made by United States-led anti-tuberculosis programs; and

(3) reaffirms its commitment to global tuberculosis control made through the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this is my resolution, and I am proud to be the lead sponsor of it. And I rise today in honor of this resolution to fight tuberculosis, which I introduced with my good friends from Texas, TED POE and GENE GREEN.

House Resolution 1155 seeks to commend the progress made by U.S. anti-tuberculosis programs at the CDC, USAID, NIH and Global Fund to Fight AIDS, Tuberculosis and Malaria, and to reaffirm the House's historic commitment to global TB control made through the Lantos-Hyde Act enacted 2 years ago. My own legislation, the Stop Tuberculosis Now Act, was folded into the PEPFAR reauthorization, and I remain grateful to Chairman BERMAN and Ranking Member ROS-LEHTINEN, the gentlewoman from Florida, for their strong support of this significant investment in tuberculosis control. The chairman of the Subcommittee on Africa and Global Health, Mr. PAYNE, is also to be commended for his commitment to tuberculosis control as well.

Mr. Speaker, TB is the second leading global infectious disease killer behind HIV-AIDS, claiming approximately 1.8 million lives each year.

TB is the leading killer of people with HIV-AIDS. TB control must be strengthened as part of a comprehensive approach to women's health. TB is the third leading killer of adult women globally, and women who develop the disease are more likely to die from it than men. The risk of premature birth or having a low birth weight baby double for women with TB, and those who receive a late diagnosis are four times as likely to die in childbirth.

Mr. Speaker, about half a million people fall ill each year with

multidrug-resistant TB, but the World Health Organization estimates that less than 5 percent are receiving appropriate treatment, which is one of the factors fueling the spread of drug-resistant tuberculosis.

Although the number of TB cases in the United States is declining, the nature of this infectious disease presents a persistent public health threat to the United States. Tuberculosis is a significant public health program for the border States of California, Texas, New York, Florida and others.

Drug-resistant TB poses a particular challenge to domestic TB control owing to the high costs of treatment and intensive health care resources required. Treatment costs for multidrug-resistant TB range from \$100,000 to \$300,000 per person, which can cause a significant strain on State public health budgets. In 2008, 107 cases of MDR-TB were reported in the United States. Of particular concern is that four extensively drug-resistant TB cases were reported, double the number from 2007.

H. Res. 1155 calls attention to the critical need for public and private reinvestment into research to develop new TB diagnostics, drugs and vaccines to replace antiquated technologies that hinder our progress against tuberculosis.

Although drugs, diagnostics, and vaccines for TB exist, these technologies are increasingly inadequate for controlling the global epidemic. The most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV-AIDS patients and in children. The TB vaccine, BCG, provides some protection to children, but has little or no effect in preventing pulmonary TB in adults. We will never defeat TB without a public and private research investment into new tuberculosis tools.

I urge my colleagues to vote in favor of H. Res. 1155, to be on record in supporting the global fight against tuberculosis.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of the gentleman's resolution. Tuberculosis is truly a significant challenge for all of us. It is a disease that respects no borders, that claims the lives of over 1.8 million lives worldwide every year, and that continues to cause needless deaths every day. It is a major threat to peoples living in developing countries, but it is also a health risk here in the United States and in other developed countries.

As this resolution correctly points out, drug therapies that are currently used to treat tuberculosis are proving less and less effective as new and different strains of tuberculosis continue to build and develop resistance to these drugs.

There are about 9.4 million new cases of tuberculosis each year. In addition,

according to recent news reports, it is estimated that 440,000 people worldwide have been infected with deadly multidrug-resistant tuberculosis in 2008 alone.

Just recently, the World Health Organization released a report that underlined the continuing threat from the spread of drug-resistant forms of tuberculosis.

Furthermore, as statistics reported by the World Health Organization note, parts of Africa face a truly staggering threat, due to the large numbers of those suffering from AIDS in those regions who are extremely vulnerable to tuberculosis. In such regions, tuberculosis can indeed be a fatal sentence of rapid and painful death.

The standard drug regimen for tuberculosis is severely outdated. With current treatment methods, patients treated for tuberculosis have to stay on medication for far too long, and that means that there can be lapses in medication that only feed resistance among strains of the disease. And so, new forms of treatment, new forms of therapies, and new vaccines are needed. But what is needed also at a fundamental level is the continued recognition of the dangerous nature of this disease and the commitment to continue the struggle against it.

I thank my colleagues, the gentleman from New York (Mr. ENGEL), my good friend, and the gentleman from Texas (Mr. POE) for introducing this important resolution. Its adoption by this House should reinforce the message that we will continue to support the vital efforts to fight this disease.

Mr. Speaker, I have no further requests for time, so I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, before I yield back the balance of my time, I want to thank my good friend, Congresswoman ROS-LEHTINEN, who has partnered with me in so much good legislation through the years. And I really do appreciate her support.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 1155, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore. Pursuant to Executive Order 12131, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. REICHERT, Washington

Mr. TIBERI, Ohio.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE STABILIZATION OF IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-108)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, continuing the national emergency with respect to the stabilization of Iraq. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2010.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

The Iraqi government continues to take steps to resolve debts and settle claims arising from the actions of the previous regime. Before the end of the year, my Administration will review the Iraqi government's progress on resolving these outstanding debts and claims, as well as other relevant circumstances, in order to determine whether the prohibitions contained in Executive Order 13303 of May 22, 2003, as amended by Executive Order 13364 of November 29, 2004, on any attachment, judgment, decree, lien, execution, garnishment, or other judicial process with respect to the Development Fund for Iraq, the accounts, assets, and property held by the Central Bank of Iraq, and Iraqi petroleum-related products, should continue in effect beyond December 31, 2010, which are in addition to the sovereign immunity ordinarily

provided to Iraq as a sovereign nation under otherwise applicable law.

BARACK OBAMA.
THE WHITE HOUSE, May 12, 2010.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.
HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 10, 2010 at 2:47 p.m., and said to contain a message from the President whereby he submits a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

AGREEMENT FOR COOPERATION IN THE FIELD OF PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the "Agreement"). I am also pleased to transmit my written approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, together with a copy of an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), classified annexes to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.

The proposed Agreement was signed in Moscow on May 6, 2008. Former

President George W. Bush approved the Agreement and authorized its execution, and he made the determinations required by section 123 b. of the Act. (Presidential Determination 2008-19 of May 5, 2008, 73 FR 27719 (May 14, 2008)).

On May 13, 2008, President Bush transmitted the Agreement, together with his Presidential Determination, an unclassified NPAS, and classified annex, to the Congress for review (see House Doc. 110-112, May 13, 2008). On September 8, 2008, prior to the completion of the 90-day continuous session review period, he sent a message informing the Congress that "in view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor, Georgia," he had determined that his earlier determination (concerning performance of the proposed Agreement promoting, and not constituting an unreasonable risk to, the common defense and security) was no longer effective. He further stated that if circumstances should permit future reconsideration by the Congress, a new determination would be made and the proposed Agreement resubmitted.

After review of the situation and of the NPAS and classified annex, I have concluded: (1) that the situation in Georgia need no longer be considered an obstacle to proceeding with the proposed Agreement; and (2) that the level and scope of U.S.-Russia cooperation on Iran are sufficient to justify resubmitting the proposed Agreement to the Congress for the statutory review period of 90 days of continuous session and, absent enactment of legislation to disapprove it, taking the remaining steps to bring it into force.

The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission (NRC) have recommended that I resubmit the proposed Agreement to the Congress for review. The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the NRC stating the views of the Commission are enclosed.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement, and have determined that performance of the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the proposed Agreement and urge the Congress to give the proposed Agreement favorable consideration.

My reasons for resubmitting the proposed Agreement to the Congress for its review at this time are as follows:

The United States and Russia have significantly increased cooperation on nuclear nonproliferation and civil nuclear energy in the last 12 months, starting with the establishment of the Bilateral Presidential Commission Working Group on Nuclear Energy and

Security. In our July 2009 Joint Statement on Nuclear Cooperation, Russian President Medvedev and I acknowledged the shared vision between the United States and Russia of the growth of clean, safe, and secure nuclear energy for peaceful purposes and committed to work together to bring into force the agreement for nuclear cooperation to achieve this end. The Russian government has indicated its support for a new United Nations Security Council Resolution on Iran and has begun to engage on specific resolution elements with P5 members in New York. On April 8, 2010, the United States and Russia signed an historic New START Treaty significantly reducing the number of strategic nuclear weapons both countries may deploy. On April 13, both sides signed the Protocol to amend the 2000 U.S.-Russian Plutonium Management and Disposition Agreement, which is an essential step toward fulfilling each country's commitment to effectively and transparently dispose of at least 34 metric tons of excess weapon-grade plutonium, enough for about 17,000 nuclear weapons, with more envisioned to be disposed in the future. Russia recently established an international nuclear fuel reserve in Angarsk to provide an incentive to other nations not to acquire sensitive uranium enrichment technologies. Joint U.S. and Russian leadership continue to successfully guide the Global Initiative to Combat Nuclear Terrorism as it becomes a durable international institution. The United States believes these events demonstrate significant progress in the U.S.-Russia nuclear nonproliferation relationship and that it is now appropriate to move forward with this Agreement for cooperation in the peaceful uses of nuclear energy.

The proposed Agreement has been negotiated in accordance with the Act and other applicable laws. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear nonproliferation. It has a term of 30 years, and permits the transfer, subject to subsequent U.S. licensing decisions, of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data. Transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities may only occur if the Agreement is amended to cover such transfers. In the event of termination, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Like the United States, it has a "voluntary offer" safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful-use nuclear facilities on a list provided by Russia. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in the classified annexes to the NPAS submitted to the Congress separately.

This transmittal shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to immediately begin the consultations with the Senate Committee on Foreign Relations and House Committee on Foreign Affairs as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

BARACK OBAMA.
THE WHITE HOUSE, May 10, 2010.

HONORING DALLAS BRADEN FOR PITCHING A PERFECT GAME

(Mr. McNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNERNEY. Mr. Speaker, I am proud to congratulate Oakland A's pitcher and Stockton resident Dallas Braden on pitching a perfect game on May 9, 2010. On Mother's Day, Dallas accomplished a feat that few ever have, going nine innings without allowing a single batter to reach first base. Dallas made history by pitching the 19th perfect game in Major League history.

Dallas has been playing baseball his entire life. He grew up in Stockton and played baseball at Stagg High. He was drafted by the A's in 2004 and made his Major League debut in 2007. Dallas is known for his community service in Stockton. And let me tell you, Dallas, you've made our city proud.

I ask my colleagues to join me in honoring Dallas Braden on pitching a perfect game.

TOWN OF SURFSIDE'S 75TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to congratulate one of the beach communities in my district, the historic town of Surfside, which will be celebrating its 75th anniversary on May 16.

I have the great pleasure of representing this unique town, which has had an important and historic part in the growth of south Florida from its early days as a beach resort. Surfside's roots stretch back to 1930, when 100 beachgoers formed their own club at 90th Street, beyond the Miami Beach city limits. Surf Club members persuaded local residents to incorporate Surfside and lent the town its first year's operating budget in 1935.

Among the historic figures who stayed at the Surf Club was Winston Churchill, who enjoyed painting by the ocean. Today, Surfside is known for its diverse population and low-rise residential homes in a quiet, peaceful, and relaxed neighborhood setting.

I am proud to salute the 5,000 residents of Surfside, who will be celebrating their anniversary with a parade and beach barbecue this Sunday, including Mayor Daniel Dietch and grand marshal and former mayor Marion Portman. Congratulations to Surfside.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BREAKING THE BARRIERS OF AN UNFAIR TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last month most Americans filled out what is probably the most complicated and lengthy Federal income tax return in our history. Most everyone agrees that our Nation's tax system is totally flawed and in need of considerable reform. The Tax Code is so complex that more than 80 percent of individual taxpayers either use an accountant or a computer-based program to prepare their tax returns.

The IRS estimates that Americans spend 6.6 billion hours and \$194 billion each year to comply with a Tax Code that has far too many complicated provisions which require special paperwork and detailed record keeping.

Our Tax Code has become more and more a complex, burdensome, and expensive drag on the economy which we can ill afford in the middle of a severe economic downturn. It also harms America's businesses' ability to compete in the global marketplace by discouraging saving, by discouraging investing, by discouraging risk taking.

American workers are now asked to work for 3 full months to pay for their annual Federal, State, and local taxes. It is totally unacceptable to require already-stressed families to give up at least a quarter of their income to prop up an expanding Federal bureaucracy while everyone else is making significant sacrifices.

Instead of searching for a way to provide tax relief to American households, some administration officials have proposed new tax schemes that will further burden small businesses and consumers. One of the worst of these is the European-style value-added tax, VAT, which would levy a complicated tax at each stage of manufacturing, thereby adding a hidden cost to the finished product. This is damaging not only to the consumer, but also to many industries involved in manufacturing which have been hard hit during this recession.

Instead of adding new taxes, Congress should be focused on reforming the current tax structure.

I join many of my colleagues in the House who have asked the chairman of the House Ways and Means Committee, the gentleman from Michigan (Mr. LEVIN), to schedule hearings on Tax Code simplification. The last major reform of the Tax Code took place almost a quarter century ago in 1986, and while far from perfect, helped reduce the harm inflicted on the economy in many ways.

The guiding principles of the 1986 reform were that it must not increase the total tax burden, while lowering individual and corporate income tax rates.

Tax reform must not be used as a subterfuge for increasing taxes, as it needlessly complicates an already difficult issue with controversial questions about whether the combined tax burden should be higher or lower.

Mr. Speaker, businesses and families need a stable and uncomplicated Tax Code. Businesses need to know how high their taxes will be in future years to make decisions now about hiring and expanding. Families need to know how high their taxes will be before they make decisions about large expenditures. A constantly changing Tax Code makes it difficult for businesses and families to make these decisions.

The Tax Code has become sufficiently complex and harmful that a major rewrite is in order, and if Congress passes tax reform, it should consider making a commitment to keep the reformed Tax Code in place for as many years as possible.

Congress must remember the sacrifices made by all of America's fami-

lies. The American people need action that will break the barriers of an unfair and complicated tax system, and Congress must respond because the future health of the U.S. economy demands it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICA COMPETES REAUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, today I rise as a proud cosponsor in strong support of the America COMPETES Reauthorization Act. As we recover from this recession, we must remain committed to ensuring that our students are properly educated in math and science to strengthen our Nation's economic competitiveness.

With the America COMPETES Reauthorization Act, we will make targeted investments in science, technology, engineering, and math education and groundbreaking research. Research leads to innovation. Innovation leads to manufacturing new products, and manufacturing leads to good-paying jobs.

According to the Alliance for American Manufacturing, every manufacturing job in our country directly supports four additional jobs. This bill will support our manufacturers, many of which are small businesses, by improving access to credit with innovative technology Federal loan guarantees.

This bill improves the Manufacturing Extension Partnership program by reducing the local cost share, allowing Manufacturing Extension Partnership program centers like MAGNET in Ohio to leverage more funds. MAGNET, which is based out of Cleveland, has leveraged Manufacturing Extension Partnership funds to generate nearly \$10 million in new investment and has created or retained over 400 jobs in my congressional district alone between 2005 and 2009.

Manufacturing Extension Partnership centers will help rejuvenate our Nation's manufacturing base by informing local community colleges of the skill sets local manufacturers seek. Our workers must have the necessary job training to secure good-paying jobs. We must invest in our students, our workers, our small businesses, and our short-, mid-, and long-term economic competitiveness, and that is exactly what our bill does.

For these reasons, I am proud to cosponsor the America COMPETES Reauthorization Act, and when the bill is called up for a vote tomorrow, I urge a "yes" vote.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN HONOR OF BRIAN MAHAFFEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. JOHNSON) is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today with sadness to recognize fallen Rockdale County Sheriff's Deputy Brian Mahaffey.

On May 8, Deputy Mahaffey was shot and killed in the line of duty while executing a search warrant in Conyers, Georgia. Deputy Mahaffey was shot. Although he was wearing a bulletproof vest, this bullet entered at an unusual angle and, as a result, he received a fatal gunshot wound. Deputy Mahaffey was only 28 years old.

Deputy Mahaffey served his community courageously and honorably. Brian was not only a sheriff's deputy, but he was a husband, he was a father, he was a brother, and he was a son. He loved to fish and he loved to work on cars. His friends often described him as a kindhearted, genuine, sincere, loving person.

It is difficult to see a life cut short, Mr. Speaker, by such a reprehensible act, but the people of the 4th District of Georgia are thankful for his love of serving others and protecting the community.

I am deeply saddened at the loss of our fallen sheriff's deputy, Brian Mahaffey, and my thoughts and prayers are with him and his family—his wife, Diana; 2-year-old son Trenton; almost 3-month-old daughter Anniston; his brother, Christopher; and his parents, Terry and Cindy. I pray that they find comfort in this unimaginably difficult time.

When a law enforcement officer is killed in the line of duty, it's a loss that is felt by all Georgians. We are a family, and we have just lost a son.

Brian Mahaffey was a hero. I am humbled by his service and his sacrifice. Deputy Mahaffey's duty was to protect and serve the citizens of Rockdale County. Thanks to law enforcement officers like Brian, our Nation is more secure. He routinely put his life on the line to defend those in Rockdale County, and his bravery resulted in his death.

The 4th District has lost a dedicated deputy, a public servant, role model, and family man. We must honor his memory with an unwillingness to surrender to crime and to lawlessness, and we must maintain our determination to bring justice to those who make us unsafe.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. KOSMAS) is recognized for 5 minutes.

(Ms. KOSMAS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

KEEP AMERICA COMPETITIVE IN THE GLOBAL ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KILROY) is recognized for 5 minutes.

Ms. KILROY. Mr. Speaker, I rise today in strong support of the America COMPETES Reauthorization Act, legislation that will create jobs, strengthen our commitment to innovative research, and invest in education to keep our country competitive in the global economy.

Over the last century, America has been the leader in technological and scientific innovation. However, other nations are making investments in their own research capabilities, and we must rise to meet the challenge and insure that we remain the world's leader in innovation and learning while revitalizing our economy and creating jobs in our community.

I am part of the Congressional Competitiveness Task Force, and I also hold hearings on this issue in my own community and recently had the opportunity to meet with executives from the Silicon Valley. They tell me that innovation and research and development is necessary to get America moving again and our economy and keep America the leader in technological and scientific innovation.

The America COMPETES Act will create jobs by strengthening our manufacturing sector. It guarantees loans to small- and medium-sized manufacturers that create innovative products, supports research for transformative advances in manufacturing, and supports the Manufacturing Extension Partnership program so it can continue to meet the needs and challenges of manufacturers today.

The America COMPETES Act also makes investments in clean energy technologies that will help create jobs and secure our long-term economic growth. As China, Brazil, and other countries make huge investments in this growing industry, we must ensure that our country does not lose its competitive edge and fall behind in its technological capabilities.

The America COMPETES Act reauthorizes the Advanced Research Projects Agency for Energy to support high-risk, high-reward energy technology research and establishes Energy Innovation Hubs to support collaborative research and development of advanced energy technology.

Building a workforce that would be competitive in the world global marketplace also requires investments in science, technology, engineering, and mathematics education at all levels of our education system.

The America COMPETES Act updates the Robert Noyce Teacher Scholarship Program to help train secondary

teachers to teach STEM in high-needs schools, provides grants to encourage students to major in science, technology, engineering, and math fields, and establishes fellowships for graduates in these fields to lead the way in education research in these areas.

The America COMPETES Act will strengthen diversity for science, technology, engineering, and math students, increasing the participation of women and minorities in the classroom and the workforce. And it increases funding for research reauthorized by the Department of Energy's Office of Science, the largest supporter of physical science research in our country, the National Science Foundation, and the National Institute of Technology, with the intent of doubling funding they receive over the next 10 years.

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The research they support will create the innovative technologies of the future and drive students to become the scientists and engineers our country needs.

Chad Bouton, recently named Inventor of the Year by Battelle in my district, is a shining example of this. His work on processing algorithms makes a product called Cyberkinetic Braingate possible, a medical device that allows people to control computers by their thoughts. This has incredible implications for paraplegics who are confined to their wheelchairs, for veterans in need of realistic, functional prosthetics. This is the kind of research we need that not only leads to incredible innovations, but will inspire students with the possibilities of what they can achieve as scientists and researchers themselves.

We have a key opportunity as the economic recovery takes hold to make essential investments that will keep our Nation competitive and secure its long-term economic growth. The America COMPETES Act is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Ohio Business Roundtable, Ohio State University, and hundreds of businesses, professional societies, and institutions of higher learning across the country.

I am proud to cosponsor this bipartisan legislation, and I urge my colleagues, tomorrow when it comes for a vote, to support the America COMPETES Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear

hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JOBS AND OUR ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, thank you very much for recognizing me and allowing us again on a Wednesday evening to explore the interesting question that has certainly been much in the minds of Americans over the last couple of years; that is, the situation of jobs and our economy. Particularly, what is the connection between jobs and the economy, and what is going on? Do we have reason for hope? Are things turning around or not? And we continue as Americans to ask, where are the jobs? Because there are many, many people who are unemployed, and many people who are unemployed for more than a year are no longer counted in our statistics, which suggests that the unemployment rate is somewhere in that 9 percent or 10 percent area. So the real unemployment rate is probably higher. That is a reason for people to be concerned, if you have a job.

If you don't have a job, it is not a matter of concern; it is a matter of a serious crisis. And there are many people who are struggling with that, and we are going to take a look at that this evening and also take a look at what are the various factors that influence the fact that we don't have jobs, whether we are doing the right or

wrong things, and also the curious phenomena that we are seeing now, where, from a policy point of view, we are doing many things that are very destructive to job creation, and yet the economy seems to be coming back to some degree. What is that? What drives the economy? And, why would Wall Street be having things look good for Wall Street when so many people are out of work? We are going to take a look at those questions this evening.

Starting off, I have depicted here: The lower part of this graph is the net jobs gained or lost. This centerline here is zero jobs. We haven't created any jobs, we haven't lost any jobs if you see a bar that is near this centerline. This is going back to 1993.

We come here: 2001. It was the recession when I was first elected to Congress. In 2001, we were losing jobs. And you can see those. We inherited a recession from the last days of the previous administration. George Bush came to office here, we were losing jobs, and we had to do something to try to turn the economy around. You see, something was done. The economy turned around.

Now, the next and last section of the graph is 2009, and you can see the tremendous number of jobs lost over here, the jobs lost again being the lines under the graph, showing that these are thousands and thousands of jobs that are lost. So this graph here shows the fact that we do have a great deal of job loss. The graph up above is a little bit more complicated. We don't need to get into that for a moment.

So how is it that this whole situation came to be, and how did we get into the problems in the first place? Well, it started some years ago for this particular recession. It was brought on, as you recall, you have probably heard some discussion about the word ACORN or about Freddie and Fannie. The details of this whole situation may seem a little bit hazy to you. That is all right. A lot of things go on, and it is hard to keep track of everything. But the recession really got started because of a combination of several things that happened.

By and large, if you are looking at somebody to blame, you should be looking here. You should be looking at the Federal Government. It was policies of the Federal Government that created this problem, the unemployment problem and the turndown in the economy.

Well, exactly what happened? Well, what happened was, going back many years, people got the idea that it would be a good idea for banks to loan money to people so people could buy houses. But there are some people who economically are not in a very strong position to be able to continue to make their mortgage payment month in and month out. So Congress, in its wisdom, made the decision that we were going to force banks to make loans to people who were bad loan prospects. That means that there was a high chance that they could not repay the loan.

Now, I suppose this was done in the name of compassion or whatever. I am not sure how compassionate it is to put someone into a loan that they can't afford to pay for, but that is what we actually instituted into law. So we had the situation ticking along like a timebomb.

By the time President Clinton was in his last year, he increased the percentage of the loans that had to be made to people who couldn't afford to pay them, so the bankers were going out making loans to people that couldn't afford to pay.

You say, well, why would a banker do that? Well, part of the reason is because a banker could pass the loan on through to Freddie and Fannie. Freddie and Fannie were two quasi-public organizations. They acted like private companies, but there was always this implicit guarantee that if anything happened to Freddie and Fannie, the Federal Government would come in and bail them out.

Well, so what happens? You put that in combination with another thing that was going on, and that was this recession here. The Federal Reserve, first of all, created money, but they also particularly reduced very much the cost of money to banks. So you had almost a zero interest level and you had a lot of liquidity looking for someplace to invest money. So what did people invest money in? They invested money in houses. So everybody started buying houses, and housing prices went up and up and up.

I came down here by 2004 or 2005, and I thought I was the dumbest Congressman in the entire House because I hadn't bought a multimillion dollar house and watched it double in 4 or 5 years. But of course, when you see something expanding that rapidly, it suggests you may be dealing with a bubble, and of course that is what happened: The housing bubble popped.

So it was a combination, one, of policies created by Congress requiring loans to be made to people who couldn't afford to pay them. And as the housing bubble popped and the housing values came down, all kinds of people were like, when the music stops, who is left without a chair?

So the economy starts to take a beating, and the group that was pushing very hard for these loans to people who couldn't afford to pay them of course was ACORN, someone certainly that the President was closely associated with. And was this a big surprise to lawmakers? Well, it really wasn't to many.

In fact, if you take a look at that great conservative oracle, The New York Times—I say that somewhat sarcastically—you find on September 11, 2003, as early as September of 2003, President Bush was saying to Congress, “Give me authority to work with Freddie and Fannie, because they are spending too much money.” And so the Congress did that. The Republicans were in charge here in the House.

We passed a bill, it went to the Senate, and it was killed in the Senate because the Republicans did not have 60 votes in the Senate. And so this ticking timebomb continued to tick. We did not deal with the financial mismanagement of Freddie and Fannie until the train came off the tracks somewhat down the line.

That may be a brief version, but it gives you a sense as to how things got started. And it wasn't problems with free enterprise, it wasn't problems with businesses much. It was made right here in this Chamber.

I am joined by a fantastic Congressman from Illinois, somebody who is highly regarded, a graduate of West Point, which we won't hold against him even, and it is Congressman SHIMKUS.

I would be delighted to hear your perspective on where we are going with these things.

Mr. SHIMKUS. I thank my colleague for giving me some time. I am joined with some high school students from North City, Illinois, which is a small rural community. The thing that is worrying them and they are focusing on is, where are the jobs going to be?

And I always come back to over this last year and a half: What have we done to help create an environment? As you know, and you have got a great background in this, there is a simple statement: If you want employees, you have to have employers.

Mr. AKIN. That is a profound statement that you just made. It is so simple, and yet we forget it. Don't we?

Mr. SHIMKUS. Well, we forget it, and we drive them out. You look at what we have done with the bailout of Wall Street. What we actually did was we established a premise of too big to fail, and then we bailed out the huge, powerful, big Wall Street banks. And who is paying the fare? Our small community banks, with new insurance premiums, and they are the ones who loan to small businesses throughout small-town rural southern Illinois.

And then we bring up a cap-and-trade regime on a false premise of carbon dioxide as a toxic emittent. We say we want to tax carbon. What does that mean? Higher electricity prices, higher gas prices. That is not a good signal for people to invest and take over this if they are going to get a return investment.

Then, we do the fraud of all frauds, and we say we are going to provide health care to all Americans, and we are going to cut Medicare \$500 billion, we are going to raise another \$500 billion in taxes, and we are going to create a system that really is unsustainable.

And the business community is saying, time out. I am not going to take any risk until this thing all sorts out.

So it is unfortunate, when we really need jobs in America, that our response here in the past 18 months is to send every signal against those.

I want to finish with the statement that if you want to pay for government

services, you have to have the private sector that is earning money to pay the taxes to pay for government services. Government employment, government jobs is not going to be able to pay for government services.

□ 2030

Mr. AKIN. Well, you know, you have just made a whole series of very, very excellent, really commonsense kinds of points. And in summarizing what you said, many people have likened that our policy for the last year and a half is the equivalent—it's tantamount to declaring war on business. Now, you can't declare war on business and then complain that there aren't any jobs around. It just doesn't make sense.

Now, supposedly the President was going to do some "Meetings on Main Street" about unemployment. So a couple of weeks ago, we had a meeting across the river from you, gentleman, on Main Street in St. Charles, and we invited about 30 or 40 business people, some bigger companies, smaller companies, and we asked them, What are the most important things to get right, for us to get right down here in order to create the environment where the private sector could create jobs? We can't make any jobs in the Federal Government. Every time we make a job, it takes two jobs out of the private sector, but we can set a proper environment for job creation.

So I asked it a little bit from a negative point of view. I said, What are the things that are most destructive to creating jobs? I have got a list of them here, but they put them in order—actually the order that I think is almost common sense. The first thing they said was excessive taxation. Now, starting on excessive taxation, everything that just came out of your mouth, gentleman, is another story of excessive taxation. You've got the Wall Street bailout. I think you mentioned that failed stimulus bill—I would call it a porkulus bill. The \$787 billion really turned out to be \$800 billion, and then you've got the tax on carbon, the cap-and-tax. That's something we passed in the House, but the Senate, fortunately, hasn't confirmed it.

You know, the President made a promise, he said, No one making under \$250,000 is going to need to worry about getting taxed, and yet we pass a bill that the poor soul that flips the light switch is going to be taxed. And then on top of that, we add socialized medicine. All of those things are massive taxes, and our small business people were saying, If there's one thing you want to do to create jobs, you do not want to bury the small business guy in taxes. Now, you know that. It's absolute common sense, isn't it?

Mr. SHIMKUS. Right. And as we follow the now health care law, it's hard for some of us to really—I mean, the reality is that the people who are going to have the most difficulty are the small businesses in complying. And, again, when you talked about small-

town rural America, you look at—we want to encourage people to hire folks. We don't want to discourage the centralized—and it's a sad state of affairs that the only place in America that you can go to find a job is Washington, D.C., and the only place that real estate values are high is Washington, D.C. We cannot continue to incentivize the national capital at the expense of Main Street USA.

Mr. AKIN. Right. The first thing is on the taxation point, why would taxation kill jobs? You know, if you think about it—first of all, let's say, whereabouts are jobs? Well, 80 percent of jobs in America are businesses with 500 or fewer employees. So as you're saying you've got these small business guys out there, and all of a sudden the government just lets them have it with a whole bunch of taxes, the small businessman, the profit that his little business makes is viewed as he made a ton of money.

Mr. SHIMKUS. If the gentleman would yield, in small town rural America, a big company has 25 employees, maybe 40 employees. I mean, they are the massive job creators of rural America. And I know the Department of Commerce has their categories of what defines small. Most folks in my congressional district—again, I have someone who joined me tonight—I mean, if someone had 500 jobs in any part of the district, that would be like a massive influx. And so that's where we need to get to. We need to provide the incentive. I'm not just putting just the national government to blame. The State of Illinois is one of the worst States for people to locate and create jobs because of additional things that you just highlighted.

Mr. AKIN. Is it tough on taxes?

Mr. SHIMKUS. It's tough on taxes.

Mr. AKIN. Our businessmen said, That's the worst thing. I think their point was, You've got yourself a little machine shop or some business, if all your money is taxed away from you, you can't put a shed on it and add a new machine tool; you can't invest in a new process or a new idea or a new innovation.

We've got a guy in my district and he actually has a farm over in Illinois, and I just love innovation in Americans. This guy recognized that there is a material that nobody seems to want in our country, and it comes out of the south end of pigs. And it's kind of smelly stuff. He has found some way to put pig manure into these big kettles, run the pressure up and the temperature up and turn it into a crude tar which he uses to make asphalt to make roads. And we have a section of road which is a pig manure road which apparently our Department of Transportation says is pretty good quality asphalt. You know, that's the kind of thing, though, you've got to have money to invest in a new idea, and if the government taxes all your money away, how do you create those jobs?

Mr. SHIMKUS. And you have it up there too. I'm going to end with this:

uncertainty, because uncertainty creates a disincentive for people to assume risk. And if they're going to assume risk, that's where bailouts are a failed economic policy because there are two sides of that coin. If you're successful, we want those folks to be rewarded and be able to keep that earned money so that they can grow their business. But if they fail, they fail. Grant failed numerous times. Lincoln failed numerous times. The history of this country is rife with very successful individuals who were not successful in many businesses but didn't turn to government to ask for a handout.

I want to thank you. I wanted to come down and visit. I appreciate your yeoman's work on this, and thank you for your work.

Mr. AKIN. Well, I sure appreciate the way that you represent your district, and I know your constituents do. We're proud of you, and thank you for the fact that you bring that kind of common sense from the heartland here to the Capitol. We need a little more of that common sense. Thank you so much, gentleman.

So I was just running along. We talked about what caused all this problem. Well, a lot of it was government policies and the idea of giving people all these loans. They couldn't afford to repay them, and then you have everybody buying all of these different kinds of mortgage-backed securities. And the major corporations in America, the Wall Street corporations, started to fail and choke on these bad policies that are based on no common sense at all.

So now you have what's happened before in America and, that is, you have a recession going on. So the question is, What do you do if you've got a recession? And different Presidents have had different approaches to that. But what we have seen, as we've just been talking about, is we have done about everything on this list which are things that are going to kill jobs. We've done everything policy-wise wrong. We could hardly get anything more wrong.

First of all, according to the small business people in our community, the excessive taxation. Well, let's talk about what the taxation was. Well, you've got the Wall Street bailout which is basically creating a whole lot of the government debt which is going to have to turn into taxation. You've got the taxation of the cap-and-tax bill that they're talking about. You're going to expire taxes on capital gains, dividends and death taxes. Those taxes are all going to go up next year. And then you've got the tremendous taxes that are inherent in the socialized medicine bill. So you have a whole lot of taxes coming down on the owners of businesses. That's a job killer.

The next thing that my constituents said that was a major part of the problem was the insufficient liquidity. A businessman needs to be able to get

loans from a bank. He doesn't want big ones. He usually gets a loan for 3 to 5 years and has to pay a pretty decent percentage to the local bank to get those loans. Well, what's happened is that we have tightened up the security and the requirements for lenders in small banks so tremendously heavily that it's very hard for small business people to be able to get loans. They can't borrow money, or the money they used to be able to borrow, they're paying twice the interest rate for the money. So the liquidity is a big problem. Insufficient liquidity is a big problem that small businesses are having.

They're having liquidity problems, tax problems. The economic uncertainty—of course all of these massive bills like socialized medicine, those are things that create a lot of uncertainty. So if you're uncertain as a small businessman, what you're going to do, as we say in Missouri, you're going to hunker down. You're going to avoid making decisions. You're going to try to preserve your capital and try to do what you can to ride out the storm. So that's the economic uncertainty that has been created.

And then the red tape is another one that they mentioned. Excessive government mandates and red tape. That's particularly deadly to small businesses because a big business could have a red tape department, but a small business can't afford to have that kind of overhead in terms of management staff. So red tape is also very much a job killer.

Now we have employed all of these tools in the last year and a half and essentially declared war on business. So why in the world would we want to do something like that? We shouldn't be doing it. The result then is that we have created an environment to make a recession that could have been bad, we've made it worse. We were told in the recovery plan, in the beginning of the year in 2008 and 2009 here, we were told that if we don't pass the recovery plan—I guess they call it the stimulus plan—if we don't pass this thing, we're going to have unemployment as high as 8 percent or 9 percent if we don't pass it. Well, on a totally party-line vote, the Democrats passed this bill, and our actual unemployment has gone up like a skyrocket. And why is that? Well, it's because obviously the stimulus bill didn't work.

Now, should we have known it wouldn't work? Of course we should have known it. We could have gone back to the days of FDR who also had a recession that he turned into a Great Depression because he used a wrong economic theory. And what was that theory? Well, it was the idea that if the Federal Government just spends money wildly, it will improve the economy because as the government starts buying, they'll get everybody else buying, and the whole economy will take off and do well.

So that was what Henry Morgenthau, with the advice of Little Lord Keynes, did just prior to the Great Depression.

So at the end of about 8 years of tremendous pain and suffering where the small businesses were not just hunkered down but were out of business, then what happens is, this guy, Henry Morgenthau who was Secretary of the Treasury under FDR, comes here to Congress. He talks to the Ways and Means Committee, and he said, You know, we tried spending, and it doesn't work. It just doesn't work. And he said, What's more, we're tremendously in debt as well. So that goes back to basically World War II days that shows that this idea of the stimulus bill just doesn't work. It's not the right way to do it.

Now, is there a way to deal with a recession that comes along? Well, the answer is yes. It's been tried by quite a number of different Presidents, and the various Presidents that have been most successful in stopping these recessions, one was JFK. Now, of course the Democrats run everything down here. Republicans in the House are 40 votes short of the majority, so we don't have a lot to say about these different bills that were passed, and the same thing is going on in the Senate, and of course there's a Democrat in the Presidency.

Now, is there an approach that they could do? I have been critical of Democrats, but not because of the fact that I have anything personal but because the policies have been hurting our country.

Here is a case, JFK, who is a Democrat, that did the right thing. They should have learned from him. And what did he do? He cut taxes. How does that help? He cut taxes. You've got problems all over. The government should be spending money and things. If you cut taxes, what happens is, it leaves more money for that small businessman to invest. As he invests, it creates jobs. As more people have jobs and make a good income, they pay more in taxes. So it's an ironic effect of economics that you can actually reduce taxes and increase government revenue. We saw it happen under the Bush administration. JFK of course was followed by, you know, Ronald Reagan and Bush. Both of them used the same approach. By cutting taxes, they turned us out of a recession.

You could see that on the first chart that we had. You can see that this recession that President Bush inherited here, he had in 2001—and you have kind of lackluster job growth through 2002 into 2003. And then put the policies of these tax cuts, which he was able to get through the Senate. In spite of the fact that we did not have 60 Republican votes, we did get tax cuts through the Senate, particularly capital gains dividends and the death tax. And when we got that through, you can see that the recovery followed. And so that's the effective way, and I think it's not American even to be critical of a political party or somebody else's solution without proposing a better idea. So certainly the better idea is cut taxes. That's what always works. It's worked

in other economies and other parts of the world as well.

So here we've got actually a little bit of a cartoon of what's going on. Sometimes we have to laugh a little bit even though it doesn't seem very funny when you don't have a job. But you have the President here saying, Now give me one good reason why you're not hiring. Well, there are a whole bunch of good reasons in these bulls that are in the china shop. Certainly the health care reform is a huge tax, but it's also a tremendous amount of government red tape and an extreme, extreme incentive not to hire workers because you have to pay so much in health care if you are a small businessman with this new socialized medicine that has just been approved.

The cap-and-trade or cap-and-tax is the energy bill. Of course, most businesses use energy. So if you have an increase in the cost of energy, which this bill would do, you're taxing small business. And then of course you have other different taxes in the background coming in. So we're doing a lot of things that are absolutely the wrong thing to do. So that basically could be summarized as a war on business.

□ 2045

We have talked about what the right thing to do is, which is to cut our spending and also to cut taxes. The point of the matter here is that our economy and these jobs all work according to basic principles of economics.

So now we come to, I think, a very, very interesting question, and this is the question: If we have been doing everything wrong, which I would suggest from a policy point of view we have done about everything wrong. We have created red tape. We have created tremendous taxes, and we are not allowing the liquidity that the businessmen need to make jobs. On top of that, you have a high level of uncertainty and excessive government spending. If we are doing all of those things wrong, how come it seems like the stock market is bouncing back and it seems like we are starting toward a recovery in appearances? That becomes kind of an interesting question.

If what I am saying is true that we have done all of the wrong things for businesses, and if you check with almost any small business man in America, they would say yes, you do not want to increase taxes and uncertainty and government red tape. You want small business men to have access to capital and liquidity, and all of those things, if we haven't done a good job, are problems. Almost all small business men will say that is common sense, and if you want jobs, you have to have healthy businesses.

How come is it, then, that it appears that we are pulling out of the recession and starting to do better? Well, obviously the answer to that question is that there are some other things that also affect our economy. In fact, there

is another thing that is even stronger than all of the policies that are so important that we get right down here. What is that force that is so powerful? Well, in a way, you could look at it as the crack cocaine of our economy. Think of it for a minute that there is a person standing there. They are in need of a seven-way heart bypass and they have diabetes and they are getting older. So they are not too healthy. But with a little crack cocaine, they think they are Superman.

Well, we have the equivalent of crack cocaine in our economic system in America, and that is the Federal Reserve. And their crack cocaine is to increase the money supply. It used to be called "running the printing press," except today we don't run printing presses. Things are just recorded. But the point of the matter is that the Federal Reserve has created a tremendous spike in liquidity to try to deal with the tough times in the economy.

On top of that increase in liquidity, they have dropped the interest rates down very low toward zero. What that does is it creates all of this easy money that is looking for a home, and that has a tremendously stimulating effect on the economy, a little like crack cocaine does to somebody who might otherwise be sick.

So, when we have done this in the past, we run into these bubble cycles where you have easy money at a low interest rate. There are people who have access to that money, and they want to buy stocks. They find something they want to buy; they bid it up. It goes up, up, up, and then the bubble collapses. We saw it with the high-tech stocks, and we have just been through it with real estate. People who had a lot of money, particularly low interest rates in 2004, 2005, they go out and buy real estate because what is more solid and American and reliable than mortgages of Americans for their own homes? It has been a very steady business.

Well, you have to watch out when you see money get too easy to be made. You saw home prices in many areas double, and then the top blows off. That is created by this easy money, or what I would call the crack cocaine of our economic system. That is what is going on right now. That is why you see Wall Street apparently seeming to do better, the stock market seeming to go up, and yet all of the policies from a logic point of view that are necessary for a healthy business environment and for lots of good-paying jobs, those policies are not in place and they are being ignored.

In fact, it is almost ironic. The President made a statement, and I had it on a chart last week. He said the government can't so much make the jobs, but we need to set the environment so there is the proper environment for job creation. He was exactly right on that. And then he turned around and has advocated every single policy that he has been advocating, all of his priorities

are going to have the net effect of destroying jobs. So there is a little bit of a dichotomy here.

Now, I have been critical of Democrat policies, not because I don't like Democrats, and maybe I ought to make it clear. Everybody that I know of in this Chamber here, there are a lot of fantastic people, and I don't know of anybody who wakes up in the morning and thinks, How I can mess up our country? Nobody thinks that way, but the point of the matter is there are policies that work and there are policies that don't work. The policies that work to create jobs is you have to get off of the big spending and you have to back off on taxes. If you do that, you will actually get more revenue and you can pay for more government services.

Let's take a look at what I am talking about, big spending. Many people felt President Bush spent too much money; in fact, he probably did. These blue lines are President Bush, and these show what the deficit is by year. If you take a look here, the very worst Bush deficit was this year. It is shown in red because this was the Pelosi Congress with Bush as President. He was somewhere just about \$450 billion of deficit, which was President Bush's worst deficit. So he spent more money than we had, and that wasn't a good thing to do. He had two wars going on, and we were just coming out of a recession. Anyway, his worst spending year was 2008.

Now we come to Obama's first year as President. What we find is that now the deficit has more than tripled in 1 year. So we go from \$450-some billion under President Bush, which was about 3.1 percent of our gross domestic product, which is about average, really, for some of the deficits that various Presidents have run. The deficit is about 3 percent of our gross domestic product. The next year, under Obama, the deficit, and PELOSI and REID, the deficit triples to \$1.4 trillion.

Now, what does \$1.4 trillion mean? Well, it is three times bigger than Bush's worst deficit, but as a percent of GDP, it is 9.9 percent of GDP. That is the highest since World War II in terms of government spending.

So this is not the thing to be doing when there are not a lot of jobs and when businesses are being hammered. We don't want to be running that kind of spending, and that kind of spending tends to lead to all kinds of taxes. What happens is you can take a recession and turn it into a Great Depression by using the wrong policies.

Now, one of the things that I hear sometimes from people, and I think it is a fair and a good question, and that is: Okay, Congressman AKIN, you are criticizing some of these Democrats, but I think you have a short memory. Don't you remember that the Republicans used to be in charge of 2001 through 2006? You were in the majority. What kinds of things did you do?

Well, when we were in the majority, we did a lot of things that nobody

knows anything about, but they were not actually such bad policies.

In the case of health care, for instance, did you do anything in health care? Yes, we did. We passed a number of bills to move forward with associated health plans. That was something where small businesses could pool their employees together and get a better price on health insurance.

What happened to the bills that the Republicans passed in the House? They went to the Senate.

What happened in the Senate? Republicans did not have 60 votes in the Senate, so the bill died for associated health plans. It was brought up numerous times.

We had bills to change tort reform. They passed in the House and they went to the Senate. What happened in the Senate? You guessed it. We didn't have 60 votes and they were killed in the Senate.

We had bills to protect against the problems of Freddie and Fannie. The Republicans passed a bill to create more government control of Freddie and Fannie because they were cooking their books and they were not solvent the way they should have been. Guess what happened to those bills over in the Senate? Because we did not have 60 votes, they were killed by Democrats in the Senate because we didn't have enough to get to 60 votes.

We also passed a number of energy bills in the House to protect against spikes in gasoline prices that we have experienced. What happened to our energy bills? A number of them that were sent to the Senate, you guessed it. They were killed by Democrats in the Senate. In fact, people are surprised to note that there is more difference on a party-line vote on energy in the U.S. Congress than there is on the subject of abortion. Most people know Congress gets polarized on the abortion issue. They don't realize that we are even more polarized on things like energy. All of these different bills were passed in the House. And, of course, we did get some strong judges on the Supreme Court.

Now, one of the things that has always surprised me from a policy point of view—aside from the fact that we can't seem to learn from the other countries that have gone bankrupt and the States in America that are going bankrupt because they are spending too much money—why is it that we have so much faith in big government? That is something that is a real puzzle to me.

I think of another country that was founded on the idea of a great, great deal of faith in big government. This was a major world power, and their whole basic way of thinking about things was that the government is going to provide you with food, the government will provide the citizens with housing for a place to live, the government will provide the citizens with education so they can be well-educated, the government will provide

them with a job, and the government will provide them with health care. So this was the idea that big government is going to provide you with food and clothing and shelter and a job and education and health care. What was the name of this big country? Well, it was known as the Union of Soviet Socialist Republics, the USSR. It was done by the Communists, and they felt it was the thing that big government could be trusted to provide all of those nice things for citizens.

It turned out, as we took a look at it, that it wasn't such a nifty theory. It didn't work, and it created a great deal of poverty. And not only that, the people who had adopted that theory had failed to recall that historically one of the greatest dangers to human life is big government. Big governments have killed far, far more human beings of their own citizens than all of the wars of history. If you take the wars of history from the time of Christ forward, you will find that there weren't nearly as many casualties from war as there were just from the casualties of a couple of Communist dictators to what they did to their own people. That's not to mention the Nazis and other kinds of dictators that have likewise killed many of their own citizens.

In the case of Stalin, about 40 million people were starved in the Ukraine. And, of course, Chairman Mao, not to be outdone, is noted for having murdered about 60 million Chinese. That is more, the combination of those people under communism, under the big government theory, killed more people than any wars.

So why do we have so much faith in big government when we have seen its tremendous failures? And yet it seems over the past year and a half, the solution to everything is more taxes and more government. I don't see the logic of why we want to be doing that. So that is what is driving this tremendous Federal spending is this faith that big government has to do everything for us; and, of course, economically that is not a good approach.

The result is we have gotten into this particular situation here. This is the actual money that the Federal Government takes in is the blue dot, and the red circle here is the money we are spending. Obviously, if you look at this, you can see the blue circle is smaller than the red circle. That says we are spending more money than we are taking in.

What is that ratio? That ratio today is when the Federal Government spends a dollar, 41 cents of it is borrowed. Out of a dollar, 41 cents is borrowed. That is the difference between the blue and the red circle.

Where is the Federal spending going? It is going to Medicare and Medicaid, which are now mathematically broken. Over time, if you run what is happening with these programs, you don't change the programs any, you just have more and more people asking for services out of these programs, that, in

combination with Social Security, the dark red here, is growing at a rate that you could get rid of defense, nondefense and everything else, and you are not going to have enough money to run the government.

This is really a crisis, and it is a little bit ironic that when the Federal Government cannot run health care, that is Medicare and Medicaid, which is currently the Federal Government's responsibility to be running Medicare and Medicaid, although Medicaid is passed on to the States to a degree, too, that we cannot run that well, and so what do we do? We are taking all of that over and have the government run all of health care with this new socialized medicine bill. Certainly the solution to that bill is only one thing: It must be repealed. It is the worst piece of legislation I have ever seen in Congress, and I believe that there are many, many other people who have the same opinion that the solution for America to move forward with decent health care has to start with a repeal of socialized medicine. You can see we are not running medicine too well with the government even before socialized medicine, and that is the problem with this excessive spending.

□ 2100

And what happens then too is as the government grows and grows, you take money away from small businesses. First of all, they hunker down. They don't make decisions. They don't make jobs. They lay people off. But eventually you could make them sick enough that they close their doors. And guess where the jobs go? There will be jobs, they just won't be in America. They will be overseas. And that's the problem with the excessive taxation and the war that's going on in our economy on businesses and jobs.

People have taken a look at various countries and looked at this problem with excessive government and the regulations and the increases, and we can see in 2001, that the United States was sixth in terms of an economic freedom index. I think this is calculated by the Heritage Foundation. And they took a look at all kinds of things like taxes, redtape and a whole series of other factors, and the United States is sixth with the particular list they calculated. We've dropped, just in 10 years, to eighth, behind several other countries.

And one of the things that a lot of the European countries have discovered, and it's a little bit ironic because we always thought of them as being much more socialistic and Big Government in their solutions. They're finding that they're in a race to try to cut back on taxes on business because they realize businesses are the keys to prosperity, both in terms of jobs, but also in terms of government revenues.

You have to remember that when the economy is sick, the State governments really take a beating, and so does the Federal Government. In fact,

if you take a look at the early Bush years, 2001, 2002, what you found was the cost of the tax cuts that the Bush administration put together, including the cost of the two wars in Iraq and Afghanistan, that the total of that amount of money was less than the drop in revenue because of the recession.

So when you have a recession, it's not just small businesses. It's not just citizens that take a beating. It's also governments that don't have revenue.

So by cutting taxes all of a sudden, what happens? Well, what you find is that the government revenue starts to go up. You say, that's just like making water run uphill. Congressman AKIN, you're an engineer. How can you say something that seems to be so hard to understand? How is it that the government could cut taxes and actually increase their amount of revenue that they take in through taxes?

Well, the answer is pretty straightforward. If you think about it for a minute, pretend that you're king for a day and your job is to tax a loaf of bread. And so you're going to do—you've got to sort of think in your mind, now, how much tax am I going to put on a loaf of bread? Am I going to charge a penny per loaf? Or am I going to charge maybe \$5 for a loaf of bread for taxes? Well, you start thinking, if I do \$5 that's probably too much. People may not buy any bread at all. If I do a penny, I probably am not getting all the taxes I could get.

Well, common sense says that somewhere there is an optimum amount the government can tax something that's optimum in terms of how much revenue you can get. And what's happened is the government has increased taxes so heavily that we're way beyond the optimum. And so, by reducing the amount of taxes, you actually can increase the amount of revenue because, as the economy gets going, it generates more jobs, more prosperity. And as you take a percentage of that in taxes you end up, even though it's a smaller percent, you end up with more tax revenue for the government, which is what actually happened in 2004, particularly, and 05 and 06.

And so anyway, some of these different governments, these foreign governments are starting to realize, you know, the Americans were right all the time. JFK was right. Ronald Reagan was right. Bush was right. When you get in trouble, you want to drop taxes and cut government spending, and you don't want to get into this highly and excessive kind of government spending here. And so that's what they did. That's what many foreign countries figured out.

And here we go along, the USA, and our tax on corporations is the second-highest in the world. It's like we haven't learned at all from the lessons that Europe has been learning. And so that's something we need to be paying particular attention to.

Now, to add insult to injury, we not only are overspending, we're not only

overspending by looking at it in a different way, we're not only hammering businesses with all kinds of regulations, redtape, with a lack of liquidity, huge and high taxes, but now, we've gotten to the point where we're that cynical here in Congress that we're not even going to create a budget. It seems like I think it's the first time this has happened in a very long time, that the U.S. Congress is not going to have a budget for the year.

And maybe you could say, well, you haven't stayed in your budget anyway, so what's the point of creating it? But you've got to have some guidelines, some sort of rules that we're going to go by. And apparently, it's not in the cards that we're going to create a budget this year.

All of these things are very concerning. All of these things affect Americans everywhere. And they're things that it's right that the American public should be upset, should be concerned about these things. And there is certainly a level of fear and anger in the general public because of the fact that we're not really paying attention to our business. We're not really being responsible economically, with our constituents.

Now, all of this stuff about the economy, jobs, the Federal Reserve creating liquidity and low interest rates, I guess it can seem kind of mathematical or maybe even a little boring if it didn't have such a tremendous impact on the lives of everyday Americans and citizens.

I think sometimes it's helpful to put a picture on what we're talking about. And in my own mind, as a guy who's responsible for earning income for my family, the picture that I guess I live in fear of is a picture of a house with a sidewalk out in front, and the family furniture, like a sofa and an easy chair and an ironing board, and I don't know what else, sitting out on that sidewalk because I couldn't afford to pay the mortgage payment on the house. And so the house has been taken away from me and the family.

And I'm picturing a wife and some kids looking at Dad saying, now what are we going to do? Now where are we going to go? You haven't had a job in a long time, Dad.

And that's being created by the wrong policies right here in government. And it's that reason that there needs to be a change, and there needs to be a whole new look at what we're demanding that the Federal Government does.

What's happened is we have drifted from the idea of limited government, of the Federal Government primarily doing only the things that States cannot do for themselves. Originally, a couple of hundreds years ago the Federal Government was very boring. We only had about four laws to the books. We had a law against piracy on the high seas because that wasn't a State function. We had a law against counterfeiting because that wasn't a State

function to take care of that. And we had a law against treason because when somebody is a spy on America, they're a spy on the whole country. So there were a very limited number of laws at the Federal level. And all of the other kinds of things, things like murder and stealing and all those things, were all State laws.

Now we look at the Federal Government, and what do we want the Federal Government to do?

Oh, we want the Federal Government to do food, and we want the Federal Government to do housing, and we want the Federal Government to do education. We've just taken over almost all of the student loans in this last year or two, so now the Federal Government's in the student loan business. And we've got the Federal Government in the car-making and the insurance business and the flood insurance business. And we've got the Federal Government in the food business and in the housing business, in all of these different things, which never, never were dreamed of by the Founders, that the Federal Government would get into the health care business and all of these different things.

And so what's been the result? Well, the result, as you can see, is excessive spending. But it's been that chairs and furniture sitting out on the sidewalk, and the father trying to figure out, I've been looking for a job for over a year now, and I still don't have a job, and asking himself, what went wrong?

Well, an awful lot went wrong. It started right down here when we started imitating the socialistic Big Government idea that the government is going to do everything for everybody. And the fact of the matter is, the government shouldn't and it can't, and we are getting a real lesson in that in these very days.

And so it is that we've come taking a good look at where the problem started, the fact that we have done the wrong solutions, the solutions of excessive government spending, excessive taxation, taking away liquidity from small business people, and then, last of all, using the crack cocaine of the Federal Reserve to create tons of money and low interest rates. That will boomerang on us, just as crack cocaine does to a sick person, and it will continue to make our country sick until we can start to direct the Federal Reserve to control and regulate the supply of money in such a way that we don't create tremendous amounts of liquidity and inflation.

I'm joined here this evening on the floor by a good friend of mine, the Congressman from Iowa who's noted as a businessman, a man of a considerable amount of common sense, a man who's not shy about expressing his opinions. And so it's a treat for me to just welcome my good friend, Congressman STEVE KING, if you'd like to share a word or two. We're about to close up.

Mr. KING of Iowa. Well, I thank the gentleman from Missouri for heading

up this Special Order hour and for talking so much common sense into the RECORD himself. And as we watched, there are two different paths one can follow. The road that's being traveled by the Obama administration and the Pelosi House and the Reid Senate is a road down the path of Keynesian economics on steroids. And the path that we should have followed, and the path that we've got to get back to, is more of the Adam Smith, free market component of our free enterprise economy. And if we look at all of the components of this free market that have been nationalized, taken over, or are under a great threat of this Congress taking them over, we can add up, as I've many times said, the banks, the insurance companies, Fannie and Freddie and the car companies, the student loan program completely, the nationalization of our bodies under Obamacare, our skin and everything inside it. Now we have the financial services bill sitting over there in the Senate about ready to get shoved out of there and back here for a conference report, and it could end up on the President's desk. If we add all of that up, and if we add to that cap-and-tax, which is another huge endeavor on the part of the President, the Speaker and the majority leader in the Senate—

Mr. AKIN. Controlling energy, controlling health care, controlling every financial transaction, it's like three nets of oppression, isn't it?

Mr. KING of Iowa. Let me add up the percentages of the formerly private sector from a year and a half ago, and it comes to 74 percent of the private sector would be either nationalized today or nationalized with the two acts that are pending that they're trying to bring at us, that being cap-and-trade and the financial services, Mr. AKIN, and I'd yield back.

Mr. AKIN. Wow, that's incredible. Now, that's 74 percent of what used to be private a couple of years ago has been nationalized, or at least under heavy national regulation and control?

Mr. KING of Iowa. We are at least at 51 percent that has been nationalized, and that's the banks, the insurance, Fannie and Freddie, the car companies, and then Obamacare. That's 51 percent.

Mr. AKIN. Now, is that based on the amount of revenue that each one—the size of the business? Is that how you figured it?

Mr. KING of Iowa. It's based upon the private sector activity as analyzed by Dr. Boyle of Arizona State University, who's written the analysis and the article on it, Mr. AKIN.

Mr. AKIN. Wow, that's absolutely incredible. So just in the last year or two we've seen history being made.

□ 1715

Mr. KING of Iowa. We have seen history being made. And those things are what one would consider to be a done deal. And then we are on the cusp of the financial regulations, which is another 15 percent of the economy some

say. And then add to that another 8 percent, and which I think is a very low estimate of what cap-and-trade or cap-and-tax would actually do to us. So I don't know what's left. Whatever part of the economy they would like to take over.

But from my standpoint, every bit of free enterprise that's out there increases the vitality of Americans. They have got a reward for working and producing more effectively. It's not enough to work hard; you have got to work smart, too. And everything that the Federal Government takes over diminishes the vitality of the American worker and lowers the average annual productivity of our American people, which diminishes us as a people and reduces our gross domestic product and takes our standard of living down.

Mr. AKIN. You know, what you are talking about makes all common sense economically. One other thing, and I have heard people talk about this, you can take a look and see that we are not learning from history. You can see that socialized medicine didn't work well in England because you look at the cancer rates there. You take a look at Canada, their socialized medicine system costs them a fortune. When you get sick in Canada, you come down to America to get medical care. And you can see examples.

You can see examples of it not working in Massachusetts, not working in Tennessee. And yet we refuse to learn from it. It didn't work in the Soviet Union. We refuse to learn. And to some degree, you can say logically we should be smarter than to do all this socialistic stuff.

But there is another argument why it's not a good idea which I have not heard as often. Maybe it's a more emotional argument, but it is true nonetheless. And that is that it's stealing. It's stealing. When the government takes money that it's not authorized constitutionally to take, that it has no moral logical reason why the government should take money and redistribute money, it goes back to the argument between the President and Joe the plumber. And the President made it very clear. He said we think it's the job of government to take money from one person and give it to someone else.

Now, when and where does the government have the authority to steal money from one person and give it to someone else? If I beat you over the head and take your wallet, we call it stealing. But if the government takes your money out of your pocket and gives it to me, is it morally any different? It's still institutionalized theft. And fortunately, our Founders understood that.

They pitched socialism out with Governor Bradford in the 1620s when it was imposed on the Pilgrims by the loan sharks from England. They understood that not only did socialism not work, they tried it. They almost starved under it. They also knew that it was morally wrong and that it was institutionalized theft.

Mr. KING of Iowa. Is that the point in history when the first order came down no work, no eat?

Mr. AKIN. I think that the no work, no eat came a long time before the Pilgrims. As I recall, it was written in the Good Book.

Mr. KING of Iowa. But in the United States?

Mr. AKIN. That might have been a direct quote from Scripture, though. So that's good.

We are getting pretty close in time. Well, I am very thankful for the opportunity to share with my colleagues and friends my very deep concerns about the fact that we are doing the wrong things in the economy. And the solution is straightforward. It is cut taxes, cut government spending, and repeal the socialized medicine bill and get back to some sense of fiscal sanity and reduce the number of functions the Federal Government is trying to do. This isn't that complicated. It's been done before. There is all the precedent that shows if we do this it will work. But we are on the wrong track now.

I do thank my good friend from Iowa, Congressman KING, who has just been a stalwart of freedom and liberty. And God bless you and God bless the USA.

IMMIGRATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the House of Representatives and the privilege to also have the gentleman from Missouri (Mr. AKIN) yield to me as he delivers the leadership hour presentation on the economic situation here in the United States and the opportunity to say a few words on that particular subject. And I may revert back to that subject, Mr. Speaker.

However, I would shift this subject a little bit over onto a subject matter that seems to be on the minds and lips of Americans all across this country. I have had the privilege to travel to some of the corners of America in the last few weeks and had my conversations in the coffee shops and in the restaurants and in city halls and in meeting places, and I was a little bit surprised that—I had had the perception that in my district immigration becomes an issue that is very much front and center, and I expect that's going to be the case in States like Arizona, California, Texas, those States that are border States, New Mexico, where you have a large number of illegal border crossings. But I didn't expect it would be the case in the Northeast, for example, and other places across the country to the intensity that it was.

I found that at every stop someone would bring up immigration. And it reminded me of the times in 2006 and in 2007 when this Nation debated immigration intensively and constantly at

every stop, even to the point where, as much as I like to talk about it, and as interested as I am in the subject, and since I am also the ranking member of the Immigration Subcommittee it's my job, Mr. Speaker, but in my town hall meetings in '06 and '07, in many of them I set the rule that we were going to talk about everything except immigration until we had dealt with everybody's concerns and issues. And then we would go to immigration to finish the time that we had left. And invariably, we would get to immigration and it would burn all the time that we had left because the American people are very intense on the immigration issue.

And we watched as Frank Luntz did a focus group, or at least one that I could see down in Arizona, he just came back from that recently, and we watched how that group itself was divided between themselves, with very intense emotions, most of them full of frustration and anger about the immigration issue, not in complete agreement on what to do.

It seems as though the Hispanics in America are where you find the objections to the enforcement of immigration law, the most vocal ones. And yet we also know there is a large number of Hispanics that many of them have been here for hundreds of years, their families have been. But I will submit that that doesn't get anybody anything.

I just shook the hand of an individual down at the Turkish reception tonight who is a naturalized American citizen as of about less than 3 weeks ago. And I would express this, that for any of us to argue that our ancestors have been here since the beginning of the Republic, the Daughters of the American Revolution, for example, and I am glad that they maintain those traditions. And it means a great deal throughout the families. And we understand that we have obligations that are generational that pass along because of the culture and the heritage of the family and the duty to our country.

But I recall standing in the Indian Room in the Old Executive Office Building as Emilio Gonzalez, the director of the Department of Citizenship and Immigration Services, gave a speech at a naturalization ceremony there which I attended for that purpose. And when he said to those gathered that were about to take the oath to become naturalized American citizens, he said, Look out that window. Look out that window. And when you look out the window, you look out at the White House itself and you see the vast south lawn and the south side and the west side of the White House. And he said, I want you to know two things. One of them is from this day forward you are as much an American as the person that lives next door. And he pointed to the White House, where President Bush lived at the time.

He said, when people ask you where are you from, don't tell them that you

are from Turkey or France or Mexico or Canada or wherever it may be. Tell them you are the first American. That you are an American and you are the first American, and you are as much American as the man that occupies the White House today. That's the right sentiment for this country for legal immigration. That's the way we should think about new Americans, in every bit as good a standing once they take that oath of citizenship and go through their naturalization process, in every bit as good a standing as someone born to the 10th generation of Americans that might be here.

But each of us has a different set of history, a different set of family memories that were taught a little bit differently, but we need to tie together under this American banner and this American history.

And so the idea that we are going to see students that are sent home from school because they are wearing the red, white, and blue on a day that's supposedly Mexican nationalist day, a day that's Cinco de Mayo, a day that's not celebrated to any significant extent even down in the city in Mexico where the Mexicans won the victory over the French, but celebrated here in the United States. Started up as a promotion. I think it was a beer distributor that actually began the celebration of Cinco de Mayo here in the United States, whatever that is.

Mr. Speaker, I don't take issue with the celebration of a holiday that makes people proud of their culture and their heritage. If that were the case, then I couldn't celebrate St. Patrick's Day, which I also recognize isn't celebrated so intensively in Ireland itself, but here it really is. And there are some real parallels here. It's the people that reject the American flag and reject the American culture that I take issue with, not the new Americans that are here that are proud of being and becoming Americans by choice.

But we have a big decision to make in this country. And this immigration debate has gone on for a long time. And it centers on this: it centers on the idea that the people that came across the border illegally should somehow be granted citizenship or a path to citizenship, if that's their goal, and somehow it turns into a reward for breaking the law.

Now, we need to recognize, Mr. Speaker, that there are hundreds of millions of people across this globe, and perhaps billions, that would love to come to the United States and become Americans. And they are waiting in line in the right way. They are respecting our laws. And I will submit that the people that respect our laws will make better citizens than those who have broken our laws. And our argument here in this country comes down to this: grant amnesty to people that broke our laws, reward them for breaking our laws because there is an argument that we must capitulate because we can't enforce the laws that we have.

Mr. Speaker, it is not the case that we can't enforce the laws that we have. And it is not the case that enforcing those laws would be ineffective in resolving this immigration problem that we have in this country. The problem we have is our administration lacks the will to enforce the law. And it isn't just the Obama administration and it isn't just Secretary Napolitano who have demonstrated a lack of will in enforcing immigration law. This goes back through several Presidents.

I would take us back to 1986, when President Reagan signed the Amnesty Act of 1986. And it was to provide amnesty for a million people that were in the United States illegally. And by the way, President Reagan was honest enough to call it the amnesty bill when he signed it. It was one of the very few times that President Reagan I will say let me down on something that I thought was philosophically wrong. And I remember disagreeing with President Reagan in '86 when he signed the amnesty bill. And I didn't consider that I would end up in the United States Congress some less than 20 years later to my arrival here and there would be an argument about what was amnesty.

It wasn't any question about what amnesty was in 1986. Ronald Reagan admitted the bill was amnesty. But he said he had to sign the bill. In order to get control of the borders, in order to enforce the law, he had to sign the amnesty bill. Now, that was his calculation. And I don't think he liked it philosophically, and he probably came to a conclusion that he didn't have a choice. Whatever the rationale was, he signed the bill. He called it amnesty. No one argued it was amnesty. It was to be a million people.

But the fraud and the corruption, the people that gamed the system tripled the number. And those who received amnesty in '86 were closer to the number of 3 million than they were the number of 1 million that was supposed to be the amnesty to end all amnesties that was going to put this away. And the only way we could get control of our borders in 1986 was to give amnesty to the people that were here and enforce the law against the employers and tighten the border and make sure that there wouldn't be a magnet for people to come into the United States.

And so, Mr. Speaker, what happened was the enforcement that was stronger, far stronger under Dwight Eisenhower, that diminished from Dwight Eisenhower's time on was stronger under Ronald Reagan than it was under the first Bush administration, and it was stronger under the first Bush administration than it was under President Clinton. And I recall my frustration with each of those Presidents and their lack of will to enforce immigration law.

And under Bill Clinton there was an accelerated effort to naturalize a million people into the United States. And I will say legal or illegal, as the anecdotes came to me. And I have talked to

some of these people. They told me that they understood that they would be fast-tracked to citizenship, but they were to vote for Bill Clinton for President. That's what I heard from some that came through my district that I have sat down and talked with. And I don't know the specific data on that; I only know the anecdotal data. But if one shows up and tells me that, it's a pretty sure bet that there are quite a few others that had that same idea.

So a million were accelerated through naturalization in 1996, and a lot of them voted for Bill Clinton. And a lot of frustration was built among those of us who respect our borders, the sovereignty of the United States, the need and the obligation to defend the borders, and who respect the rule of law and do not want to see it subverted or eroded, especially intentionally and willfully by an administration seeking to produce a political gain.

And then, Mr. Speaker, from the Clinton administration, we transitioned into the Bush administration, George W. Bush, a man who I personally like and respect and admire, and found a couple of things to disagree with along the way, and this was one of them.

Well, it's odd for me, Mr. Speaker, to stand here on the floor and speak to the issues that I disagreed with with Ronald Reagan or the issues that I disagreed with on George W. Bush, but I saw a lack of enforcement of our immigration laws during that period of time under the George W. Bush administration as well.

□ 2130

And there was, in the second term of the Bush administration, there was a concerted effort to try to bring our—to try to bring comprehensive immigration reform to bear. "Comprehensive immigration reform" was the fancy term for "amnesty," and the debate about the meaning of amnesty ensued then. And rather than simply admit the meaning of the word "amnesty" and admit that comprehensive immigration reform really is comprehensive amnesty, the debate ensued about what amnesty was.

So the American people had to submit to a cacophony of different definitions of amnesty, and continuously the argument was made that, well, whatever it was they wanted to do to provide amnesty wasn't amnesty. I recall that discussion about, well, what if they pay a fine for \$500 and they promise to learn English and they promise to pay their back taxes, couldn't we give them a path to citizenship? And that's not amnesty, is it, because, after all, you charge them a fine. It's, well, if you're going to sell a path to citizenship for \$500, I will have to call that amnesty.

And if someone promises to learn English, that's an obligation of the naturalization process. You have to prove proficiency in both the written

and spoken word of the English language to be naturalized as an American citizen. Now, I know they get a little sloppy with that, and some of the people that are naturalized just aren't so very good when it comes to the spoken or written word of English. And you'll notice that at a naturalization ceremony when it comes time for people to stand, they may not recognize what that means. And I have heard different directions that have gone out to the crowd, and some sat there without responding, even though it was the most significant and pivotal moment of their life.

Well, I'm surely proud of those who step up and want to become an American and who are determined to assimilate themselves in the broader overall American culture, which has a lot of subcultures in it, admittedly, Mr. Speaker.

But we saw the enforcement of immigration diminish over these administrations that I've talked about from Dwight Eisenhower all the way to Barack Obama. And with Barack Obama, it's different than it was under the Bush administration. The Bush administration actually accelerated it and began to enforce the law at least more aggressively than they were in the last couple of years. It was, I believe, an effort to convince the American people that they were committed to enforcing immigration law. And I don't know if their heart was ever in it, but I believe it was at least, at a minimum, an effort to establish a record and a standard that they would use enforcement so that the rule of law could be reestablished, and then upon the establishment of the reestablishment of the rule of law, might possibly be able to pass an amnesty bill that the American people would accept.

I think it was a political miscalculation. I think it was a mistake for George W. Bush to give his amnesty speech that he gave on that January 5 or 6 of that year, sometime about January 5 or 6 of 2005, I believe it was. I think it was a mistake for the President to do that. I think that he should have first come out with a standard of we're not going to ask the American people to establish a new policy and grant a path to anything, to guest worker, or path to citizenship, or more of a permanent green card status until—unless and until we can establish, as a Federal Government, that the rule of law and the law enforcement personnel whose job it is to enforce immigration law will be enforced, and that those who break the law would do so with the expectation that they would be confronted by the law and punished in proportion to their crime.

And I will also submit, Mr. Speaker, that a nation that doesn't have a border can't declare itself a nation. We must have a border. We must define the border, and we can't call it a border unless we defend the border. And on our side of the border, the law must prevail and justice must be blind, and it has

got to be enforced by the people who are paid to enforce the law. If they decide not to do that, they are subverting our very civilization.

Many of the people who come here come into the United States because they live in a country that doesn't have the rule of law, a country that has corruption, a country that's always spiraled downward into third worldism, a country that probably can't be brought up to a—what I will say is a successful, modern, civilized nation within our generation, this generation of man. Many times it's hopeless to think of it with the level of corruption and the lack of rule of law.

Can't have that happen in the United States of America. Justice has been blind in America, and the rule of law has been firm, and it's been even-handed, and it's been rigid throughout centuries.

So Arizona recognized that there were Federal immigration laws that were not being enforced, despite all of the Federal officers that worked the border in Arizona, the lack of will, the lack of will that comes from the top, from the President of the United States to the Secretary of the Department of Homeland Security right on down the line through the Border Patrol and U.S. Customs and Border Protection personnel. You can go into the station at the Border Patrol and you can read the mission: We're going to get operational control of the border, to put it in the short version. The mission sounds good. But the mission has got to be in the heads and the hearts of the people who are carrying it out, and that's got to come from the top.

I listened last week to a speech that was delivered here at the American Enterprise Institute by General Petraeus who received the Irving Kristol Award there that evening, and it's a very respectable honor that recognizes the contributions of a very respectable man, Irving Kristol. And General Petraeus is a very fitting recipient of that reward.

And from memory, he made three points. As he left Iraq, and where I had first met him in 2003 where he commanded the 101st Airborne at Mosul, I think it's important to note that General Petraeus, even then, they swept in and liberated the northwest quadrant of Iraq and the Mosul region and a couple of other provinces there. That was around March 22, in that period of time. By mid to late May, General Petraeus had held an election in Mosul. That's 2003. They elected a governor, a vice governor, and I met with them and also a business representative in Mosul.

He promoted very effectively liberty and freedom and a version of democracy there that could be carried out in that country. And I asked him, How did you have an election? How did you know how to do that? He said, We didn't know how. We just knew we needed to have one. We needed to have local representatives that we could deal with.

It was interesting that General Petraeus set the governor and the vice governor at the head of the table. He sat on the side of the table to send the signal that the Iraqis were running the show even then, even within months of the time that they had been liberated.

Well, General Petraeus' speech last week laid out three steps along the way to success, and they were points that he made as he holed up at Fort Leavenworth there in Kansas, not that far from me, I would add. And he and others that he gave significant credit to wrote the COIN language, the counterinsurgency booklet that was so well published and distributed across the country. Over a million copies have been distributed, and I've read fair parts of it.

But he laid out this point that first you've got to get the big things right. You've got to articulate the mission. You've got to plan the mission. The mission's got to be right. It's got to be understood. You have to get the big things right. Then you've got to market it and sell it to the people who have to carry it out. That's step number two. Step number three is see to it that the mission is carried out, right down to the details.

But first, you've got to define the mission, and then you have to market the mission to the people who are going to carry it out, and then you have to follow up to make sure that the mission is carried out down to the details.

Well, the mission that we have in border security and immigration enforcement in America is not clearly articulated. Congress can pass legislation, which we did in the Secure Fence Act that establishes that we're going to build 854 miles of double fencing, in some cases triple fencing, and that the Secretary of Homeland Security had to certify when they had operational control of the border. Operational control of the border. And there's a good definition in the Secure Fence Act that defines "operational control of the border."

But it suffered an amendment to it over in the Senate that weakened the Secure Fence Act that was DUNCAN HUNTER's major effort here in the House of Representatives. The definition of "operational control of the border" was reduced and subverted. And the result was that the mission that Congress laid out for the border protection personnel altogether was ill defined because of the squabbles from within.

So we weren't able to get the big thing right, the first thing right. We were not able, as a Congress, to define the mission. Even though we tried and we voted on it here in the House and we passed a very clear mission, but it was subverted over in the Senate, and it's been undermined by some of the people on the border.

And the effort to require that before you could build a fence you have to negotiate with the local political subdivisions and local people, and that local

includes the people on the south side of the border? I don't think there's any merit to going to Mexico and asking them if we can protect our border. That's just an added mission that undermines the mission.

So what we have are custom border protection personnel, border patrol agents, ICE agents, others along the border, including our National Parks personnel that are swimming upstream against a high tide of illegal people and drugs pouring through there. Maybe they understand the mission, but they do not believe, nor do they have the confidence, that the higher-ups will support them.

And so they are out there every day, punch the clock, do their shift, do what they can do, plug the hole here, plug the hole there. But there isn't anyone in this administration from the White House on down that has defined how we actually accomplish this mission of controlling our borders and shutting off illegal immigration in America.

Now, I don't think it happens to be all that complicated, Mr. Speaker. I think you have to have the will.

And so the first thing to do is shut off the bleeding at the border. And as Congressman PHIL GINGREY from Georgia so articulately said, and I'm confident he's worked—he's a doctor. I'm confident he's worked in the emergency room. He said, when somebody comes in that's a victim of an accident and they wheel him in on the gurney and they're bleeding all over the place and they're bleeding all over the floor and bleeding from several places in their body, he said the first thing that you don't do is grab the mop and the bucket and start to clean up the mess. The first thing you do is stop the bleeding. Get the patient stabilized and get it under control. And once you get it stabilized, then you can worry about cleaning up the mess. Well, we have a lot of discussion about what to do about cleaning up the mess, and we don't have a lot of discussion about what to do to stop the bleeding.

So here are the places where the bleeding exists so we can do something to stop it. First on the border is this. We have had—and I don't know that I have confidence in the numbers in the last—during this administration. They're telling me that they have fewer interdictions at the border; therefore, that shows there are fewer border crossings. I suspect that if you just stopped enforcing the law you would have fewer interdictions on the border. They've never given me a real number of how many come across the border and how many are stopped in their attempt to cross the border.

But I do a lot of asking, and we do have testimony before the Immigration Subcommittee. We have numbers such as this, that we have as many as 4 million illegal border crossing attempts a year, as many as 4 million. Now, some of those could be people trying more than once. In fact, I know it is.

And when I asked the Border Patrol what percentage of those attempts are

you able to stop? On the record, they'll say, We think about 25 percent. But when I go down to the border and I ask those who are engaged in this on a daily basis what percentage do you stop, they will look at me. And I'll say, 25 percent? They'll look at each other and laugh and they'll snicker and they will say—the most common number I get is it's more like 10 percent that we stop on their way across the border. And some will tell me it's 3 to 4 percent, but I've never had anyone tell me in private that they think they stop 25 percent or 20 or 15. I can't think of a number above 10 percent, but I can think that the number that I most often hear is 10 percent.

So if we have 4 million illegal border crossings a year and we stop 10 percent of that, that's not a very big number, Mr. Speaker. And it's not very good efficiency on what we need to be doing down there on the border.

We need to look at this from this standpoint: What would you do to stop the bleeding? Number one thing, shut the border off. It's not that hard to figure out. Why can't we do that? Someone said it's only 2,000 miles, as if that's a vast, undefendable territory, and it's not. Look at the territory that we're defending in places like Iraq and in Afghanistan, for example. A lot of that border is really easy to defend.

□ 2145

It's not very difficult terrain. It's wide open desert on both sides where you can see a long ways. And we are spending \$12 billion on the southern border every year to protect it. That works out to be, a 2,000-mile border, \$6 million a mile. That's when you add up the cost of the Border Patrol, customs and border protection, the Humvees and the pensions and the payroll and all the fuel and the gas and everything that goes into this, and a support network of helicopters, et cetera, it adds up to around \$12 billion, and that's \$6 million a mile.

Now I don't know the most current numbers that we've had on what it takes to build an interstate highway or a four-lane highway, but it's not \$6 million a mile. The cost to defend the southern border, and I think it's probably less than half of that price, Mr. Speaker, at least in some of those older numbers that I've looked at, but for the cost of what we're spending to defend the southern border, we could pave a four-lane highway for 2,000 miles a year every year. This is every year. \$6 million a mile.

Now I ask myself, if Janet Napolitano came to me and said, Congressman KING, I want to contract this border control with you, and I'd like to give you a mile to start out. And it's just a mile that looks like the gravel road from my house west that nobody lives on for a mile, or it's a mile of open desert, and I'm going to give you \$6 million to see to it that nobody crosses that mile for a year. Now on second thought, since the government

does these budgets over a 10-year period of time, give me a 10-year contract to guard a mile of border and give me \$60 million to watch that border for 10 years, a mile of it.

Mr. Speaker, I will submit, \$60 million would be more than adequate to seal that border up so nobody got across my mile. I would guarantee it. I'd bond it. I'd be willing to watch you dock my pay if anybody got across and got away. And if I'm in the private-sector business industry, I'm not going to create this huge enterprise of hiring people and putting Humvees underneath them and all of the trappings that go along with that. Yes, you need some. We need some boots on the ground. We need to protect and defend them and give them good equipment. And we know that their lives are on the line every day. And we've got to respect them and appreciate them and pray for them. But, Mr. Speaker, building empire with boots on the ground isn't the only way to solve this problem. In fact I will submit it's not the most cost effective way. The most cost effective way would be to do what a businessman would do. If Janet Napolitano handed me \$60 million and said, Guard that mile for 10 years, you can bet that I would put up, not just a fence; I would build a concrete wall. And I would put some wire on top of that wall, and I would have a road, and I'd have a wire fence behind that road, and I would have cameras and monitors and vibration-sensing devices. I would have all of the electronics necessary to send me signals if anybody came and tried to get over, under, around, or through that wall. And so would anybody else that would do a cash flow calculation on how best to defend the border. Well, anybody except Boeing, for example, who spent a lot of money down there, a lot of money convincing this Congress that they should accept a virtual fence and that virtual fence so far has been a bust. And as much as I appreciate and respect Boeing when it comes to airplanes and tankers, the job down there on the border, they've got some making up to do. We would have been better off if we had spent a couple million dollars a mile to build the concrete wall that I designed and put the wire on top of there and build the sensory devices and build a road behind that and then put a fence in there so that there would be a zone that if you got over the concrete wall, you took some other equipment to get over the fence that's there, and we could defend it. We could patrol it. That's what we needed to do. For a couple of million dollars a mile, we could set that system up. And that leaves \$4 million a year left over.

Now it doesn't mean that I'm going to be able to do all that without hiring people and paying wages to guard that mile, but let's just say we spent \$2 million a mile to put in a wall and a fence and a road and some sensory devices. That still leaves \$4 million left over for that year to hire some help, buy a few

Humvees, get some radios, some uniforms, some pension plans, all these things that go into it.

So I will submit that it's cash flows, Mr. Speaker, to build a wall, build a fence, because it reduces the number of personnel necessary, and it's far more effective. It is far more effective from a cash flow standpoint, from an American taxpayer dollar invested standpoint, to put the infrastructure in place, to maintain the infrastructure.

And we had the Corps of Engineers come out with some wild number that it would cost something like \$50 billion to maintain the fencing on the southern border. It was a ridiculous number. And there were no numbers to back that up, no numbers to support it. It was a wild number that they pulled out of the sky. I build things. We do Corps of Engineers work. Well, I have in the past. I am now out of that construction business. But I designed a concrete wall that one could put the footing in with the slip form and drop in precast panels and put the wire on top, lay the sensors in there and build that thing, and it wouldn't take us much to put together a crew that could build a mile of that a day.

Now that would be not the kind of all-hands-on-deck effort that you see in, oh, a Manhattan Project or a NASA project, or even the kind of effort that they're using to put out the leak in the gulf right now. This is just a little old construction company that would set the system up and toss those panels in, set them in with a crane, one after the other right on down the border. It's not that hard. And it's not that expensive. And it is very effective. And it lets the Border Patrol concentrate on those areas where they would be going through and going under and going around. And it would reduce that traffic dramatically, especially concrete, because you don't cut through that with a torch or a hacksaw; you have to have a concrete saw. And I don't know one that doesn't make noise or vibration, so we would have those kind of sensors that are there.

And to those people that will argue that if you show me a 20-foot wall, I'll show you a 21-foot ladder—oh, I think it was perhaps Janet Napolitano that said, if you show me a 12-foot wall, I'll show you a 13-foot ladder, that has got to be the weakest, most specious argument I've ever heard. I've heard people on both sides of the aisle that will make that argument.

And so I asked the question of the chief of the Border Patrol at a hearing at Ellis Island a few years ago; that if we can build an impermeable barrier from heaven all the way down to hell that no one could go under, no one could go over, and no one could get through it, how many Border Patrol does it take to man that impermeable barrier for our southern border? The answer that I got back was, It still takes boots on the ground. In fact, it still takes more boots on the ground, because that's the argument.

Well, I want enough boots on the ground. I want enough Border Patrol. I'm ready to put the National Guard down there again and guard that border. I'm ready to turn that southern desert into a training ground for Afghanistan and Iraq. We should have done that a long time ago. That all makes sense to me.

But if you follow what I've said, an impermeable barrier all the way from heaven to hell—that you couldn't dig under and you couldn't go over the top—the full length of 2,000 miles on our southern border, how many people does it take to watch that? I know. It's hypothetical and it's theoretical, but the answer within those parameters, Mr. Speaker, is zero. It takes nobody to watch the impermeable barrier that they can't go under and they can't go over. That means it takes zero personnel to watch something like that. That's the hypothetical answer that needs to come.

Now we know we don't have that kind of a barrier. We know we can't build that kind of a barrier. But my point that I'm making for those who would willfully deny the utter logic of this is that the better the barrier, the fewer the personnel. And I don't argue that we have to build 2,000 miles of border fence and control. We just build it where they are crossing the most and we keep building it, building the length of it, until they stop going around the end. If that's 2,000 miles, then it's 2,000 miles. If it's 854 miles as described by the Secure Fence Act, then it's 854. But that kind of barrier makes the personnel we have more effective; it allows us to get control of our border. It can force all traffic through our ports of entry, and that's what we've got to do. And we've got to beef up our ports of entry, beef up our surveillance and our technology at our ports of entry so that we can catch those drugs and the illegal people and the contraband that's going through those ports of entry. That's part of our job. We can do that.

Now under this plan that I've laid out, with the money we have, we could easily build all of the barriers on the border that we deem are appropriate and effective and useful and we should and must do that, and we still have money left over for the personnel that we have, and we'll be more effective in what we do. We can shut off the bleeding at the border.

The next thing that needs to happen, Mr. Speaker, is we've got to then shut off the jobs magnet. And some of that can be done at the same time. There's no reason we can't do it simultaneously. This effort on the part of the Obama administration to steer away from enforcing against illegal workers but go against the actual employers without bringing the illegal workers into this—when I say that the raids in Postville were inappropriate, unjust, maybe they'll argue that they're racially motivated. I'm out of patience with people that play the race card the

first time. You can deal them out a deck, and out of 52 cards, somehow they will lead with the race card every time as if the race card is trump. Well, the rule of law has got to be trump, and the rule of law is justice is blind. Justice is blind and does not regard race as a factor. The Arizona law prohibits the utilization of race as a sole factor when it comes to evaluating reasonable suspicion. And these officers know what reasonable suspicion is.

I happen to have written the reasonable suspicion law in Iowa with regard to workplace drug testing. It's very similar to the Arizona statute and the definition that they are utilizing, which is Federal case law on reasonable suspicion. And in 12 years in Iowa, even though we're not using law enforcement officers to define a reasonable suspicion, what we're doing is asking the employer to designate an employee—the employer himself or herself or an employee—as their specialist in drug abuse in the workplace. And if they see behaviors that are erratic, that are indicators of drug abuse—maybe the look of their eyes, their pupils, the dilation of the pupils, maybe erratic work habits, showing up late, production going down, things of that nature, let alone accidents where people can get hurt or killed—they just simply say to that employee, I have a reasonable suspicion that you're using drugs, and you need to go into the nurse's office or downtown to the clinic right now and provide a urinalysis, and we will test it and find out if you're abusing drugs.

In 12 years, we haven't had a constitutional issue, we haven't had any litigation, I haven't heard a complaint about one person being unjustly targeted under reasonable suspicion for race or any other cause. Or even because of personalities. And you have to know, Mr. Speaker, that even in Iowa there are companies where that personnel who manages the "reasonable suspicion" definition, whose job it is under Human Resources to do that evaluation and make the call, that individual, yes, they're trained, but surely we would have one that would be a racist like all of these cops in Arizona have been described to be, by the people who oppose this Arizona immigration law. Surely there would be one that would have a personality disagreement with an employee, and they would like to get even with them by making them go take a drug test at will. But none of those objections have been raised.

□ 2200

So it's hard for me to accept the idea that trained law enforcement officers—it might be the janitor or the nurse or the truck driver that's pointing his finger at an employee and saying, You go take a drug test. That's what's going on in Iowa without complaints or objections. In Arizona, these are trained law enforcement officers whose training is being focused because of an executive order of Governor Jan Brewer,

and they are very sensitive to these issues. They understand this law, and they're going to understand it even more before it goes into effect in August. A lot of them are Hispanic themselves. And to presume that law enforcement officers are racist and racially motivated is a division among the American people that's caused and perpetrated by people who would sow seeds of discontent and distrust and untruth and dishonesty for political gain. That, Mr. Speaker, is what's going on in Arizona.

The law that they passed in Arizona is a law that mirrors Federal immigration law. It directs local law enforcement to enforce immigration law, and it also allows the citizens of Arizona—it gives them standing to sue if the local government is not enforcing immigration law to the standards defined.

Now, I understand that law enforcement thinks they're in a squeeze, that they might be sued because they will be accused of discriminating; and on the other hand, they might be sued because they didn't discriminate. That might be what we've already heard down there. But it's my experience that when you bring a law like this—and I've had that experience happen to me at least two times in other circumstances. One is the drug testing law that brought out people that were aggressively opposed to it and accused that it would be setting things up for discrimination based on personalities, race or any other reason.

And then when we passed the official English law in Iowa that took 6 years to get there—finally it became law—there were a lot of objections from some of the more liberal members of the Latino community. I sat with them, and I listened to their voices over and over again. But of all the fears that they voiced over all of those months and years, there hasn't been a single report that's come back since then that anybody was disparaged or discriminated against because someone said to them, Well, English is the official language of the State of Iowa.

And so these fears didn't come to fruition there. The same kinds of arguments that were made in Iowa as are being made in Arizona today on their immigration law, the same kinds of arguments over the official language of English, the same kinds of arguments that were being made in Iowa over the reasonable suspicion language on Iowa's drug testing law, none of those fears came to fruition under official English or under the drug testing reasonable suspicion in Iowa.

And I can't stand here tonight, Mr. Speaker, and allege that any of those fears will come to fruition in the State of Arizona, but I can with great confidence predict that there will be far, far less going on that reflects the fears of the objectors of the Arizona immigration law than are predicted by the people that are demonstrating in the streets.

I think that my friend and former colleague, Tom Tancredo, got it right

when he said, You can judge their fear of the effectiveness of a law by the level of hysteria that they demonstrate. They're not demonstrating against an injustice or something that is really unconstitutional. They're demonstrating because they're afraid the law's going to work, that it will be enforced, and it will actually be effective, and it will clean up a lot of the illegal immigration in Arizona, the 460,000 that they say are there, and I suspect it's significantly more than that.

And when you have across this country some of the cities that decide they want to boycott Arizona because Arizona said we want to help the Federal Government enforce immigration law, that's a reason not to buy something from Arizona? That's a reason not to go down there for a convention? I think, Mr. Speaker, it's a reason to go. I think we ought to get together and take a bus and go to Arizona and spend some money. Don't have a boycott—have a buycott. I might go down there and pick up some items from Arizona and bring them home just to express to the Arizonans my solidarity and appreciation to them for stepping up to enforce a law that the American people support, this Congress has passed, it's on the books, that President Obama took an oath of office to uphold and still willfully refuses to do so through his subordinates, such as Janet Napolitano.

And I might also point out, Mr. Speaker, that tomorrow Attorney General Eric Holder comes before the House Judiciary Committee. And as he comes before the Judiciary Committee, there will be a whole series of discussions and questions that will be brought out, I am confident. Eric Holder took a look at the Arizona law, and I think was responding to a direction from the President of the United States to see if he could find anything unconstitutional about the Arizona immigration law or something that was unlawful about the Arizona immigration law. So that tells me that they didn't know the Constitution very well, and they probably thought there was something in there that made all immigration law the exclusive jurisdiction of the Federal Government. Well, that's not true. It does say in the Constitution that it's the Federal Government's job to protect us from invasion, and it also says in the Constitution it's the Federal Government's job to set a uniform practice of naturalization.

Now, you can tell that I drew a bit of a hesitant blank there. But let me see, article I, section 8 says “establish a uniform Rule of Naturalization.” So that would be what it says in the Constitution, Mr. Speaker. Those are the two references that we have to immigration in the Constitution, but it doesn't make immigration law exclusive to the United States Constitution and the Federal Government. There's nothing in the Constitution that excludes the States from enforcing Fed-

eral immigration law or writing their own. It just can't supersede Federal law.

And there's a case that is *U.S. v. Santana-Garcia* that establishes the precedent that it is implicit that local government law enforcement has the authority to enforce immigration law in the United States. It's implicit in that decision *U.S. Government v. Santana-Garcia*. *Santana-Garcia* was that side of the case, up against the United States Government.

So anybody that puts on a gun and a badge and a uniform and provides for the safety and the security of the American people and has pledged to preserve and protect the Constitution of the United States ought to know that when you take an oath to uphold the Constitution of the United States, that means also the laws that are written within the parameters of that Constitution. It's implicit. When we take an oath here to this job as a Member of the United States Congress, preserve, protect and defend the Constitution of the United States, as the President does—so help him God—it doesn't mean his interpretation of the Constitution as he sees it. It's not a growing, moving, changing document, as Elena Kagan believes. It's a document that is firm, and it's fixed, and it's rigid. And it's the text of what it says and what it was understood to mean at the time of ratification of either the broader document, the base document of the Constitution, and also the amendments as they were ratified.

The local law enforcement still has a responsibility to step up and help enforce immigration law. It isn't a hands-off thing. They don't sit there and look around and think, Well, let me see, the State Bank of Tucson was robbed, and I'm a State highway patrol officer. So I will chase down the bandits who robbed the State Bank of Tucson because that's my job. But, oh, I pulled him over, and I was wrong. It was a mistake. I didn't even have reasonable suspicion. They actually robbed the National Bank of Tucson. No jurisdiction here. I have to let them go. Let the Federal officers go collect those robbers who robbed the National Bank, but the State Bank, of course, might be their jurisdiction.

And then the city police officers, what do they do? Do they refuse to enforce speeding laws that are not perhaps the city ordinance? Does the county sheriff only serve papers and refuse to enforce the ordinances of the city when they're blatantly violated in front of them? No and no. Our law enforcement officers in this country have always cooperated with each other throughout the levels of law enforcement to the extent that they can do that in order to produce an effective enforcement of the law. That is how it has been. That is how it shall be. That's how it shall be in Arizona.

Sheriff Joe Arpaio of Maricopa County has been enforcing those laws for a long time now, and he's taken the heat

from Eric Holder, and that I think implicitly comes from President Obama. And Janet Napolitano, who knows him well, made remarks that would imply that she had come to a conclusion that there were biased violations of people's civil rights under the enforcement of Sheriff Joe Arpaio. There is no basis for it, but they stirred up enough furor that a few of the American people began to believe that there was a basis for it. I went down and took a look at Tent City down in Phoenix. And if I remember my numbers correctly—and this is from memory, not from notes, Mr. Speaker, so it's subject to correction—but about one-third of the inmates in Tent City were there because they were illegal, and about two-thirds of them were there for other reasons. A peaceful group of people. They're there in striped uniforms, and they do get some pink underwear. It's not the nicest place, and it doesn't need to be the nicest place. We don't want to advertise it as a place to come back to. It's a place to leave and not come back to. That's why we have jails.

But this situation in Arizona, we've got to stand with them. I stand with Governor Brewer. I stand also with Representative Pearce in Arizona for the work that he has done. And he is very, very articulate in stepping up to defend immigration law. I encourage and look forward to making a new effort to establish a new fence and barrier on the border, one that works out to be a cash flow.

And I also look forward to moving legislation in the aftermath of this November election that adopts the New IDEA Act. The New IDEA Act is the legislation that I have introduced in the last couple of cycles, and there aren't very many new ideas under the sun. It takes a little audacity to declare a bill a new idea, but I think it is a new idea.

□ 2210

But I think it is a New IDEA. And New IDEA stands for the New Illegal Deduction Elimination Act; New IDEA.

What it does is it recognizes that there are agencies out there that are pretty aggressive in enforcing their turf. I have noticed that the IRS is pretty aggressive in enforcing their turf, the Internal Revenue Service. So I asked myself, of all of these agencies, which one would be the most aggressive. It comes back to me that the IRS would be useful people. It is like when you go to have a pickup game and you start choosing up sides. I look across here and I think, Who do I want on my team if I want to get something done? If I am going to have to defend the border, give me the military first. They will get the job done. I don't want to get into the argument about the Army, Navy, Air Force, Marines, or Coast Guard. They all get the job done. So if I were to choose, I would say first give me the military. Let us go to the border and let's seal the border with the military. They will get the job done.

Then I would look around at who else would I like to pick for my team. Of all the government agencies, if I want somebody to help me enforce immigration law, would I pick somebody from the EPA? No. They would stand in the way. Would I pick somebody from the USDA? No, not likely. But of all of those agencies, maybe somebody from the Department of Homeland Security. Yes, but at the top they are not given a very defined mission. It looks as though their mission is being subverted by the Secretary, Janet Napolitano. So I would pick the IRS for my team because they are effective. They are good at doing what they do.

Here is how I would bring the IRS into this effort to help control immigration law. This legislation, the New IDEA Act clarifies and establishes the wages and benefits paid to illegals are not tax deductible for income tax purposes.

And so let's just say you have an employer that has been paying a million dollars a year out to a good number of employees at a rate of \$10 an hour. That million dollars a year is tax deductible because it is a business expense like electricity, heat, fuel, or merchandise that is purchased for resale. All of those things are business expenses. New IDEA clarifies that the wages and benefits paid are not tax deductible. So the IRS would come in, and during the course of their normal audit, they would take the list of employees, punch the Social Security numbers of those employees into the E-Verify database, and if it comes back that they are not lawful to work in the United States, the IRS would take those wages and say, Sorry, employer, this million dollars is not tax deductible for you.

So it goes from the expense side, pushed over into the column that makes profit. If you calculate that profit, at the time I did this, it was 34 percent corporate income tax rate, and you add the interest and penalty, the effect of that million dollars denied as a tax deduction becomes an addition of about \$6 an hour. So your \$10 an hour illegal becomes a \$16 an hour illegal because of the audit of the IRS. And, by the way, it is required to grant safe harbor to an employer who uses E-Verify in a legitimate, reliable way. So we give the employer safe harbor if he uses E-Verify. We give the IRS the authority to deny that deductibility if they are not able to work lawfully in the United States. And we put interest and penalty on there as well as the tax liability. Your \$10 an hour illegal becomes a \$16 an hour illegal. And what will happen all across this country is 8 million illegals will be looking for work, and there will be 8 million jobs that will open up for American workers, lawfully present people who can work in America with a green card or American workers.

That solves about half of our unemployment problem right there, and it legitimizes the employers and gives

them something they can count on. There are some things that need to be cleaned up with that, in addition, Mr. Speaker.

Another one is E-Verify must be changed so employers can use it on legacy employees, that means current employees, and also use E-Verify with a bona fide job offer, rather than the law right now requires the employer to hire the worker and then find out whether they are legal or not. By that time, the employer has invested training in them and they have passed up somebody else to fill that job. So they will have somebody there for perhaps a week, they will have to pay them, and so the employer ultimately has to break the law to find out if they are breaking the law. They need to be able to use E-Verify with a bona fide job offer. They need to be able to use E-Verify to verify those legacy employees that work for them now, their current employees.

We can do all this. We can seal the border with a concrete wall and a secondary and a tertiary fence where it matters. We can put sensory devices there. We can build a road to patrol it. We can put cameras up and monitor it. We can man it effectively; in fact, more effectively with fewer personnel than we have if we build the barrier. We need to shut off the jobs magnet in the interior. We can do that by enforcing current law and by passing E-Verify to establish that the IRS is part of a team member that would be required to cooperate with the Social Security Administration and with the Department of Homeland Security. So the right hand, left hand, and middle hand all knew what the other was doing.

It is pretty simple to solve this problem. It has been solved in 60 minutes, Mr. Speaker, and if anybody has any questions, they can easily visit my Web site, Steveking.com, where I will be happy to answer any questions that might come up.

Meanwhile, I appreciate your attention on this subject matter, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today on account of an emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KOSMAS, for 5 minutes, today.

Ms. KILROY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. JOHNSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.
Ms. SUTTON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 19.

Mr. JONES, for 5 minutes, May 19.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 18 and 19.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1121. An act to authorize a land exchange to acquire lands for the Blue Ridge

Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 6, 2010, she presented to the President of the United States, for his approval, the following bills.

H.R. 3714. To amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, May 13, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 959, the Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 959 AS TRANSMITTED TO CBO BY THE HOUSE BUDGET COMMITTEE ON MAY 10, 2010

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|--------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2010–2015 | 2010–2020 |
| | Net Increase or Decrease (–) in the Deficit | | | | | | | | | | | | |
| Statutory Pay-As-You-Go Impact | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Note: H.R. 959 would amend the Higher Education Act of 1965 to set the expected family contribution used in determining student aid eligibility to zero in the case of a student applicant whose parent or guardian died as a result of performing service as a public safety officer.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7434. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changes to Reporting Dates [Doc. No.: AMS-FV-09-0073; FV10-929-1FR] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7435. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Papayas From Colombia and Ecuador [Docket No.: APHIS-2008-0050] (RIN: 0579-AC95) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7436. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Doc. No.: AMS-DA-09-0007; AO-13-A78, et al.; DA-09-02] received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7437. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revised Nomination and Balloting Procedures [Doc. No.: AMS-FV-09-0070; FV09-929-1FR] received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7438. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — U.S. Honey Producer Research, Promotion, and Consumer Information Order; Referendum Procedures

[Doc. No.: AMS-FV-07-0091; FV-07-706-FR] (RIN: 0581-AC78) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7439. A letter from the Acting Under Secretary Research, Education, and Economics, Department of Agriculture, transmitting the Department's final rule — Veterinary Medicine Loan Repayment Program (VMLRP) (RIN: 0524-AA43) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7440. A letter from the Under Secretary, Department of Defense, transmitting the annual report on the payment of incentive pay to members of precommissioning programs pursuing foreign language proficiency for Fiscal Year 2009, pursuant to Public Law 110-417, section 619; to the Committee on Armed Services.

7441. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for fiscal year 2009 on the quality of health care furnished under the health care programs of the Department of Defense; to the Committee on Armed Services.

7442. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

7443. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Emergency Management for Higher Education Grant Program received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7444. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7445. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's

final rule — Health Care Reform Insurance Web Portal Requirements (RIN: 0991-AB63) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7446. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting formal response to the Government Accountability Office's report number GAO-09-120; to the Committee on Foreign Affairs.

7447. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-017, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7448. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-005, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7449. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting letter regarding the proposed opening of five new passport agencies; to the Committee on Foreign Affairs.

7450. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

7451. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7452. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7453. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II — Extraterritorial Income Exclusion Effective Date and Transition Rules Directive #1 [LMSB-4-0310-011] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I — Industry Director Directive on Domestic Production Deduction (DPD) #4 [LMSB-4-0310-010] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-12) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009 [Notice 2010-30] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7458. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Mandatory Guidelines for Federal Workplace Drug Testing Programs received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Oversight and Government Reform and Appropriations.

7459. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Changes in Provider and Supplier Enrollment, Ordering and Referring, and Documentation Requirements; and Changes in Provider Agreements [CMS-6010-IFC] (RIN: 0938-AQ01) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FOSTER (for himself, Mr. LIPINSKI, Mr. HARE, Mr. SHIMKUS, Mr. MANZULLO, Mr. QUIGLEY, Mr. SCHOCK, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. KIRK, Mr. COSTELLO, Ms. BEAN, Mrs. BIGGERT, Mr. JACKSON of Illinois, Mr. RUSH, Mrs. HALVORSON, Mr. JOHNSON of Illinois, Mr. ROSKAM, Ms. SCHAKOWSKY, Mr. ROHRBACHER, Mr. GARRETT of New Jersey, Mr. EHLERS, Mr. GOHMERT, Mr. HENSARLING, Mrs. DAHLKEMPER, Mr. PLATTS, Ms. KOSMAS, Mr. PAUL, Ms. MARKEY of

Colorado, Mr. BARTLETT, Mr. MINNICK, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Mr. COSTA, Ms. HERSETH SANDLIN, Mr. BACHUS, Mr. FLAKE, Mr. CANTOR, Mr. MORAN of Kansas, Mr. LATOURETTE, and Mrs. BACHMANN):

H.R. 5278. A bill to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself and Mr. DOGGETT):

H.R. 5279. A bill to amend the Internal Revenue Code of 1986 to provide for active qualified public safety employees to elect to be covered under the hospital insurance tax, and for other purposes; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 5280. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. COBLE):

H.R. 5281. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BARROW:

H.R. 5282. A bill to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 5283. A bill to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 5284. A bill to amend the Sikes Act to improve natural resources management planning for State-owned facilities used for the national defense, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. KILDEE, Mr. PLATTS, Ms. FUDGE, and Mr. SESTAK):

H.R. 5285. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 5286. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 5287. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf of the Atlantic Ocean and Gulf of Mexico; to the Committee on Natural Resources.

By Mr. COSTA (for himself, Mr. WELCH, Mr. COURTNEY, Mr. LARSEN of Washington, and Mr. LARSON of Connecticut):

H.R. 5288. A bill to amend the Dairy Production Stabilization Act of 1983 to establish a dairy price stabilization program; to the Committee on Agriculture.

By Ms. ESHOO (for herself and Mr. GEORGE MILLER of California):

H.R. 5289. A bill to amend the Safe Drinking Water Act to reduce lead in drinking water, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. BURGESS, and Mr. LARSON of Connecticut):

H.R. 5290. A bill to permit physicians and suppliers a new election to become Medicare participating physicians and suppliers if Medicare physician fee schedule rates are extended; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York (for himself, Mr. CHILDERS, Mr. ROSS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARDOZA, Ms. HARMAN, Mr. COOPER, Mr. SCHRADER, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. TANNER, Mr. CARNEY, Mr. MATHESON, Mr. HILL, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. CUELLAR, Mr. MCINTYRE, Ms. GIFFORDS, Mr. BRIGHT, Mr. MITCHELL, Mr. COSTA, Mr. ARCURI, Ms. MARKEY of Colorado, Mr. BOYD, Mr. MOORE of Kansas, Mr. KRATOVL, Mr. SCHIFF, Mr. ELLSWORTH, Mr. MICHAUD, Mr. HOLDEN, Mr. CHANDLER, Mr. DAVIS of Tennessee, and Mr. DONNELLY of Indiana):

H.R. 5291. A bill to require the Joint Committee on Taxation to analyze each tax expenditure identified in its annual tax expenditure report for equity, efficiency, and ease of administration; to the Committee on Ways and Means.

By Ms. PINGREE of Maine (for herself and Mr. MICHAUD):

H.R. 5292. A bill to require the continuation of full-service operations at the commissary and exchange stores serving Naval Air Station, Brunswick, Maine; to the Committee on Armed Services.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. CARDOZA, Ms. CHU, Mrs. DAVIS of California, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Ms. WATSON, and Ms. WOOLSEY):

H.R. 5293. A bill to designate the facility of the United States Postal Service located at 3270 Firestone Boulevard in South Gate, California, as the "Henry C. Gonzalez Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 277. Concurrent resolution expressing the sense of Congress that Lena Horne should be recognized as one of the most outstanding American entertainers of the 20th century, who broke racial barriers and created opportunities for generations of African American performers who followed in her footsteps; to the Committee on Oversight and Government Reform.

By Mr. STARK (for himself, Mr. MCNERNEY, and Ms. LEE of California):

H. Res. 1351. A resolution congratulating Dallas Braden and the Oakland Athletics baseball team for pitching a perfect game against the Tampa Bay Rays on Mother's Day, May 9, 2010; to the Committee on Oversight and Government Reform.

By Mr. WU (for himself, Mr. HONDA, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mr. ROHRBACHER, Mr. SIREN, Mr. INGLIS, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Mr. HOLT, Ms. BALDWIN, Mr. MARSHALL, Mr. KIND, Mr. COURTNEY, Mr. MOORE of Kansas, Mr. ETHERIDGE, Mr. DEUTCH, Mr. BOSWELL, Mr. DONNELLY of Indiana, Ms. LORETTA SANCHEZ of California, Mr. PETRI, Mr. GONZALEZ, Mr. GARAMENDI, Mr. TONKO, Mr. PERLMUTTER, Mr. SERRANO, and Mr. GRAYSON):

H. Res. 1352. A resolution supporting the goals and ideals of Taiwanese American Heritage Week and recognizing the close relationship between the United States and Taiwan; to the Committee on Foreign Affairs.

By Mr. BISHOP of New York:

H. Res. 1353. A resolution supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois:

H. Res. 1354. A resolution honoring the John G. Shedd Aquarium on the occasion of its 80th anniversary and the 10th anniversary of its award-winning "Amazon Rising" exhibit; to the Committee on Natural Resources.

By Mr. KENNEDY:

H. Res. 1355. A resolution expressing the sense of the House of Representatives regarding the human rights crisis in Papua and West Papua; to the Committee on Foreign Affairs.

By Mr. SKELTON:

H. Res. 1356. A resolution recognizing the 150th anniversary of the birth of General John J. Pershing, an American military hero; to the Committee on Armed Services.

By Ms. WATSON (for herself, Ms. KAPTUR, Mr. HINCHEY, Ms. KILPATRICK of Michigan, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. BACA, Mr. REYES, Mr. HINOJOSA, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. BARROW, Mr. CLAY, Mr. PASCRELL, Mr. CUELLAR, Mr. SCHIFF, Mr. FARR, Mr. STARK, Mrs. CAPPS, Ms. LEE of California, Ms. CHU, Ms. HARMAN, Ms. SHEA-PORTER, Mr. CAMPBELL, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GALLEGLEY, Mr. MCCLEINTOCK, Mr. ISSA, Ms. WATERS, Mr. ROHRBACHER, Mr. BUCHANAN, Mr. BILBRAY, and Mr. RUSH):

H. Res. 1357. A resolution commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. The SPEAKER presented a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 10 urging the United States Air Force to

use Idaho for its F-35 missions; to the Committee on Armed Services.

277. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 9 urging the Congress of the United States not to enact S. 787; to the Committee on Transportation and Infrastructure.

278. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 11 urging the Congress to reject all efforts to use global warming as a pretext to increase federal revenues; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. ARCURI.
H.R. 273: Mr. SMITH of Nebraska.
H.R. 275: Mr. POSEY and Mr. SCHIFF.
H.R. 537: Mr. GRAYSON.
H.R. 707: Ms. HIRONO.
H.R. 734: Mr. MATHESON and Mr. PALLONE.
H.R. 775: Mr. CLAY, Ms. CHU, and Ms. HERSETH SANDLIN.
H.R. 847: Mr. OBERSTAR.
H.R. 868: Mr. RYAN of Ohio.
H.R. 878: Mr. CALVERT.
H.R. 932: Mr. JACKSON of Illinois.
H.R. 995: Ms. CHU.
H.R. 1126: Mr. MINNICK.
H.R. 1215: Mr. CONYERS.
H.R. 1265: Mr. ISRAEL.
H.R. 1339: Ms. NORTON.
H.R. 1362: Ms. SUTTON.
H.R. 1443: Mr. HARE.
H.R. 1470: Mr. FILNER.
H.R. 1521: Mr. TOWNS.
H.R. 1547: Mr. BOUSTANY, Mr. MELANCON, and Mr. DAVIS of Illinois.
H.R. 1570: Ms. NORTON.
H.R. 1616: Mr. KILDEE.
H.R. 1691: Ms. CHU and Mr. TIBERI.
H.R. 1729: Mr. HOLT.
H.R. 1792: Mr. MARCHANT, Ms. BALDWIN, and Mr. BOUCHER.
H.R. 1806: Mr. DONNELLY of Indiana and Mr. ROTHMAN of New Jersey.
H.R. 1826: Mr. ACKERMAN.
H.R. 1844: Ms. LINDA T. SANCHEZ of California.
H.R. 1884: Mr. WU, Mr. OWENS, Mr. LOBIONDO, and Mr. BRIGHT.
H.R. 2002: Mr. MORAN of Kansas.
H.R. 2067: Mr. RYAN of Ohio.
H.R. 2089: Mrs. CAPPS and Mr. MCGOVERN.
H.R. 2105: Mr. ALEXANDER.
H.R. 2112: Ms. BEAN.
H.R. 2142: Mr. PLATTS.
H.R. 2159: Ms. SHEA-PORTER and Mr. HOLT.
H.R. 2198: Mr. MANZULLO.
H.R. 2204: Mr. SMITH of Washington, Mr. BISHOP of Utah, and Mr. GRAVES.
H.R. 2381: Mr. BRADY of Pennsylvania.
H.R. 2417: Mrs. CAPPS and Mr. GRIJALVA.
H.R. 2443: Ms. NORTON and Mr. SMITH of Nebraska.
H.R. 2448: Mr. VISCLOSKEY.
H.R. 2478: Mr. ROSKAM, Ms. SPEIER, and Ms. JACKSON LEE of Texas.
H.R. 2480: Mr. SCHOCK.
H.R. 2483: Ms. ZOE LOFGREN of California and Ms. WOOLSEY.
H.R. 2565: Mr. MORAN of Virginia.
H.R. 2597: Mr. MURPHY of Connecticut.
H.R. 2672: Mr. CALVERT.
H.R. 2737: Mr. DONNELLY of Indiana and Mr. GRAYSON.
H.R. 2817: Mrs. NAPOLITANO.
H.R. 2819: Mr. ROTHMAN of New Jersey.
H.R. 2906: Mr. OLIVER.
H.R. 3012: Mr. FOSTER.

H.R. 3035: Mr. SERRANO.
H.R. 3116: Mr. COSTELLO and Mr. ADERHOLT.
H.R. 3151: Mr. MOORE of Kansas and Mr. COHEN.
H.R. 3421: Mr. HODES, Ms. PINGREE of Maine, and Mr. GRAYSON.
H.R. 3441: Mr. MICHAUD.
H.R. 3519: Mr. WOLF.
H.R. 3781: Mr. LUJÁN.
H.R. 3836: Mr. POLIS.
H.R. 3974: Mr. CAPUANO.
H.R. 4028: Mr. FALEOMAVAEGA.
H.R. 4038: Mr. CALVERT.
H.R. 4051: Mr. MCCOTTER.
H.R. 4133: Mr. BOUCHER.
H.R. 4155: Mr. POLIS.
H.R. 4182: Mr. NADLER of New York.
H.R. 4195: Mr. HALL of New York, Mr. JACKSON of Illinois, and Mr. WOLF.
H.R. 4199: Mr. BOSWELL and Ms. RICHARDSON.
H.R. 4241: Mr. HODES.
H.R. 4274: Mr. HINCHEY.
H.R. 4278: Ms. BALDWIN.
H.R. 4302: Mr. WELCH, Mr. MORAN of Virginia, Mr. DONNELLY of Indiana, Mr. CUMMINGS, Ms. KILROY, Mr. HONDA, Ms. SCHAKOWSKY, and Mr. HINOJOSA.
H.R. 4394: Ms. WOOLSEY and Mr. GRIJALVA.
H.R. 4399: Mr. RANGEL.
H.R. 4494: Mr. JACKSON of Illinois.
H.R. 4509: Mr. LATOURETTE.
H.R. 4530: Mr. LUJÁN.
H.R. 4594: Ms. ROYBAL-ALLARD, Mrs. KIRKPATRICK of Arizona, Ms. HARMAN, and Mr. LOEBSACK.
H.R. 4662: Mr. COHEN and Ms. WASSERMAN SCHULTZ.
H.R. 4684: Mr. CLEAVER, Mr. PLATTS, Mr. LANCE, Ms. KILPATRICK of Michigan, Mr. THOMPSON of Mississippi, and Mr. LANGEVIN.
H.R. 4710: Mr. GRIJALVA, Mr. ROTHMAN of New Jersey, and Mr. WELCH.
H.R. 4734: Mr. BISHOP of New York.
H.R. 4755: Mr. MCCOTTER.
H.R. 4761: Mr. PERRIELLO.
H.R. 4780: Mr. MILLER of Florida.
H.R. 4785: Mr. GUTHRIE.
H.R. 4788: Mr. DELAHUNT, Mr. NADLER of New York, and Ms. CHU.
H.R. 4796: Mr. ADLER of New Jersey, Mr. ROSKAM, Ms. SUTTON, Mr. HIMES, Mr. WEINER, and Mr. JONES.
H.R. 4806: Mr. ELLISON.
H.R. 4807: Mr. CALVERT.
H.R. 4844: Mr. HOLDEN.
H.R. 4846: Mr. COHEN.
H.R. 4850: Mr. PAYNE and Mr. HARE.
H.R. 4856: Mr. HOLDEN.
H.R. 4868: Mr. JACKSON of Illinois and Mr. BRADY of Pennsylvania.
H.R. 4888: Ms. ZOE LOFGREN of California.
H.R. 4933: Mr. FARR and Ms. WATERS.
H.R. 4985: Mr. KINGSTON and Mr. STEARNS.
H.R. 5008: Mr. DONNELLY of Indiana.
H.R. 5015: Mr. JOHNSON of Georgia.
H.R. 5034: Mr. PALLONE, Mr. BROWN of South Carolina, Mr. BROWN of Georgia, Mr. THOMPSON of Pennsylvania, Mr. SPACE, Mr. SCHOCK, Mr. POMEROY, Mr. CAPUANO, Mr. SIMPSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. POSEY, Mr. GARY G. MILLER of California, Mr. GONZALEZ, Mr. RUSH, Ms. WASSERMAN SCHULTZ, and Mr. TIM MURPHY of Pennsylvania.
H.R. 5035: Mr. TAYLOR.
H.R. 5040: Mr. KILDEE.
H.R. 5041: Mr. PETERS, Mr. SPACE, Ms. WASSERMAN SCHULTZ, Mr. PASCRELL, and Ms. DELAURO.
H.R. 5043: Mrs. NAPOLITANO.
H.R. 5084: Mr. CARNEY.
H.R. 5091: Ms. FUDGE.
H.R. 5092: Mr. REICHERT, Mr. MCINTYRE, Mr. BARRETT of South Carolina, Mr. TAYLOR, Mr. QUIGLEY, Mr. CHANDLER, Mr. FALEOMAVAEGA, Mr. MARCHANT, Mr. FRANK of Massachusetts, Mr. MEEKS of New York,

Mr. CRENSHAW, Mr. SHADEGG, Mr. BISHOP of Georgia, Mr. PUTNAM, Mr. BONNER, Mr. TERRY, Mr. WITTMAN, and Mr. HELLER.

H.R. 5118: Mr. LUCAS.

H.R. 5141: Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. LAMBORN, and Mr. PAUL.

H.R. 5145: Mr. DONNELLY of Indiana.

H.R. 5163: Mr. ARCURI and Mr. TIM MURPHY of Pennsylvania.

H.R. 5164: Mr. ARCURI and Mr. TIM MURPHY of Pennsylvania.

H.R. 5175: Ms. LORETTA SANCHEZ of California, Mr. HIMES, and Mrs. DAVIS of California.

H.R. 5200: Mr. MORAN of Virginia.

H.R. 5206: Mr. DOGGETT.

H.R. 5207: Mr. GUTHRIE and Mr. GERLACH.

H.R. 5211: Mr. POLIS and Mr. ETHERIDGE.

H.R. 5222: Mr. GARAMENDI.

H.R. 5234: Mr. HOLDEN.

H.R. 5235: Mr. JONES and Mr. POSEY.

H.R. 5236: Ms. KILPATRICK of Michigan.

H.R. 5241: Mr. THOMPSON of California, Ms. HARMAN, Ms. ROS-LEHTINEN, Ms. WOOLSEY, Mr. LANGEVIN, Mr. KENNEDY, Mr. WELCH, Mr. GARAMENDI, and Mr. FILNER.

H.R. 5244: Mr. SABLAN.

H.R. 5268: Mr. ELLISON, Mr. PAYNE, Ms. WATSON, Ms. SLAUGHTER, Ms. KILROY, and Mr. HONDA.

H.J. Res. 76: Mr. BOYD.

H.J. Res. 77: Mr. TURNER.

H. Con. Res. 240: Mr. JACKSON of Illinois.

H. Con. Res. 266: Mr. BRADY of Pennsylvania and Mrs. LUMMIS.

H. Con. Res. 273: Ms. GRANGER, Mr. LATTA, Mr. POSEY, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. SHIMKUS, Mr. BARTLETT, Mr. HALL of Texas, Mr. CAMPBELL, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. PITTS, Mr. NEUGEBAUER, Mr. OLSON, Mr. KING of Iowa, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. BURTON of Indiana, and Mr. AKIN.

H. Con. Res. 275: Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. SERRANO, Mr. SCOTT of Virginia, Mr. HIMES, Ms. DeLAURO, Mr. JACKSON of Illinois, Ms. KILROY, Mr. VAN HOLLEN, Mr. PETERSON, Mr. SABLAN, and Mr. HODES.

H. Res. 111: Mr. COLE and Mr. HEINRICH.

H. Res. 173: Mr. GENE GREEN of Texas.

H. Res. 287: Mr. QUIGLEY.

H. Res. 536: Mrs. MILLER of Michigan and Mr. LATHAM.

H. Res. 584: Mr. PAUL, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. POSEY, and Mr. CHILDERS.

H. Res. 611: Ms. KILROY.

H. Res. 764: Mr. BURTON of Indiana.

H. Res. 873: Mr. CROWLEY and Mr. ROYCE.

H. Res. 989: Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mr. CLEAVER, and Mr. JACKSON of Illinois.

H. Res. 1073: Mr. VISCLOSKEY, Mr. COLE, Mr. SHUSTER, Mr. LATHAM, Mr. DEFazio, and Mr. TIAHRT.

H. Res. 1110: Ms. BORDALLO, Mr. PUTNAM, Mr. LOEBACK, Mr. SHIMKUS, Mr. HARE, Mr.

LAMBORN, Mr. KILDEE, Mr. LEE of New York, Mr. CARTER, Mr. GRIFFITH, Mr. THORNBERRY, Mr. FORTENBERRY, Mr. NEUGEBAUER, Mr. BUCHANAN, Mr. HERGER, Mr. DENT, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. HELLER, Mrs. MILLER of Michigan, Mr. TERRY, Ms. GRANGER, Mrs. CAPITO, Mr. CAMP, Mr. BOOZMAN, Mr. MARIO DIAZ-BALART of Florida, and Mr. SHUSTER.

H. Res. 1196: Mr. CULBERSON.

H. Res. 1245: Mr. CALVERT.

H. Res. 1250: Mr. COHEN.

H. Res. 1251: Mr. BOOZMAN and Mr. YOUNG of Alaska.

H. Res. 1258: Ms. EDWARDS of Maryland, Mr. BISHOP of New York, and Mr. PRICE of North Carolina.

H. Res. 1261: Mr. BISHOP of New York.

H. Res. 1291: Mrs. HALVORSON and Mr. TIM MURPHY of Pennsylvania.

H. Res. 1303: Mr. LUETKEMEYER and Mr. WILSON of South Carolina.

H. Res. 1326: Mr. ROTHMAN of New Jersey, Mr. WOLF, Mr. CAO, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, and Mr. INGLIS.

H. Res. 1335: Mr. MARKEY of Massachusetts.

H. Res. 1338: Mr. FILNER.

H. Res. 1346: Mr. MANZULLO, Mr. GERLACH, Mr. DENT, Mr. CAMPBELL, Mr. LEE of New York, Mrs. BACHMANN, Mr. OLSON, Ms. GRANGER, and Mr. MARIO DIAZ-BALART of Florida.